

CERTIFICATION OF ENROLLMENT

**SECOND SUBSTITUTE SENATE BILL 5290**

Chapter 338, Laws of 2023

68th Legislature  
2023 Regular Session

PROJECT PERMITS—LOCAL PROJECT REVIEW—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023—Except for section 7, which takes effect January 1, 2025.

Passed by the Senate April 17, 2023  
Yeas 47 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 10, 2023  
Yeas 98 Nays 0

Laurie Jinkins

**Speaker of the House of  
Representatives**

Approved May 8, 2023 1:17 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5290** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

May 10, 2023

**Secretary of State  
State of Washington**

---

**SECOND SUBSTITUTE SENATE BILL 5290**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Mullet, Kuderer, Fortunato, Lias, Nobles, Saldaña, and C. Wilson; by request of Office of the Governor)

READ FIRST TIME 02/24/23.

1            AN ACT Relating to consolidating local permit review processes;  
2 amending RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and  
3 36.70B.160; reenacting and amending RCW 36.70B.110; adding new  
4 sections to chapter 36.70B RCW; creating new sections; and providing  
5 an effective date.

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

7            **Sec. 1.** RCW 36.70B.140 and 1995 c 347 s 418 are each amended to  
8 read as follows:

9            (1) A local government by ordinance or resolution may exclude the  
10 following project permits from the provisions of RCW 36.70B.060  
11 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark  
12 designations, street vacations, or other approvals relating to the  
13 use of public areas or facilities, or other project permits, whether  
14 administrative or quasi-judicial, that the local government by  
15 ordinance or resolution has determined present special circumstances  
16 that warrant a review process or time periods for approval which are  
17 different from that provided in RCW 36.70B.060 through 36.70B.090 and  
18 36.70B.110 through 36.70B.130.

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

1 adjustments and building and other construction permits, or similar  
2 administrative approvals, categorically exempt from environmental  
3 review under chapter 43.21C RCW, or for which environmental review  
4 has been completed in connection with other project permits.

5 (3) A local government must exclude project permits for interior  
6 alterations from site plan review, provided that the interior  
7 alterations do not result in the following:

8 (a) Additional sleeping quarters or bedrooms;

9 (b) Nonconformity with federal emergency management agency  
10 substantial improvement thresholds; or

11 (c) Increase the total square footage or valuation of the  
12 structure thereby requiring upgraded fire access or fire suppression  
13 systems.

14 (4) Nothing in this section exempts interior alterations from  
15 otherwise applicable building, plumbing, mechanical, or electrical  
16 codes.

17 (5) For purposes of this section, "interior alterations" include  
18 construction activities that do not modify the existing site layout  
19 or its current use and involve no exterior work adding to the  
20 building footprint.

21 NEW SECTION. Sec. 2. A new section is added to chapter 36.70B  
22 RCW to read as follows:

23 (1) Subject to the availability of funds appropriated for this  
24 specific purpose, the department of commerce must establish a  
25 consolidated permit review grant program. The department may award  
26 grants to any local government that provides, by ordinance,  
27 resolution, or other action, a commitment to the following building  
28 permit review consolidation requirements:

29 (a) Issuing final decisions on residential permit applications  
30 within 45 business days or 90 calendar days.

31 (i) To achieve permit review within the stated time periods, a  
32 local government must provide consolidated review for building permit  
33 applications. This may include an initial technical peer review of  
34 the application for conformity with the requirements of RCW  
35 36.70B.070 by all departments, divisions, and sections of the local  
36 government with jurisdiction over the project.

37 (ii) A local government may contract with a third-party business  
38 to conduct the consolidated permit review or as additional inspection

1 staff. Any funds expended for such a contract may be eligible for  
2 reimbursement under this act.

3 (iii) Local governments are authorized to use grant funds to  
4 contract outside assistance to audit their development regulations to  
5 identify and correct barriers to housing development.

6 (b) Establishing an application fee structure that would allow  
7 the jurisdiction to continue providing consolidated permit review  
8 within 45 business days or 90 calendar days.

9 (i) A local government may consult with local building  
10 associations to develop a reasonable fee system.

11 (ii) A local government must determine, no later than July 1,  
12 2024, the specific fee structure needed to provide permit review  
13 within the time periods specified in this subsection (1)(b).

14 (2) A jurisdiction that is awarded a grant under this section  
15 must provide a quarterly report to the department of commerce. The  
16 report must include the average and maximum time for permit review  
17 during the jurisdiction's participation in the grant program.

18 (3) If a jurisdiction is unable to successfully meet the terms  
19 and conditions of the grant, the jurisdiction must enter a 90-day  
20 probationary period. If the jurisdiction is not able to meet the  
21 requirements of this section by the end of the probationary period,  
22 the jurisdiction is no longer eligible to receive grants under this  
23 section.

24 (4) For the purposes of this section, "residential permit" means  
25 a permit issued by a city or county that satisfies the conditions of  
26 RCW 19.27.015(5) and is within the scope of the international  
27 residential code, as adopted in accordance with chapter 19.27 RCW.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70B  
29 RCW to read as follows:

30 (1) Subject to the availability of funds appropriated for this  
31 specific purpose, the department of commerce must establish a grant  
32 program for local governments to update their permit review process  
33 from paper filing systems to software systems capable of processing  
34 digital permit applications, virtual inspections, electronic review,  
35 and with capacity for video storage.

36 (2) The department of commerce may only provide a grant under  
37 this section to a city if the city allows for the development of at  
38 least two units per lot on all lots zoned predominantly for  
39 residential use within its jurisdiction.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 36.70B  
2    RCW to read as follows:

3        (1) Subject to the availability of amounts appropriated for this  
4    specific purpose, the department of commerce must convene a digital  
5    permitting process work group to examine potential license and  
6    permitting software for local governments to encourage streamlined  
7    and efficient permit review.

8        (2) The department of commerce, in consultation with the  
9    association of Washington cities and Washington state association of  
10   counties, shall appoint members to the work group representing groups  
11   including but not limited to:

- 12        (a) Cities and counties;
- 13        (b) Building industries; and
- 14        (c) Building officials.

15        (3) The department of commerce must convene the first meeting of  
16   the work group by August 1, 2023. The department must submit a final  
17   report to the governor and the appropriate committees of the  
18   legislature by August 1, 2024. The final report must:

- 19        (a) Evaluate the existing need for digital permitting systems,  
20   including impacts on existing digital permitting systems that are  
21   already in place;
- 22        (b) Review barriers preventing local jurisdictions from accessing  
23   or adopting digital permitting systems;
- 24        (c) Evaluate the benefits and costs associated with a statewide  
25   permitting software system; and
- 26        (d) Provide budgetary, administrative policy, and legislative  
27   recommendations to increase the adoption of or establish a statewide  
28   system of digital permit review.

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

31        Unless the context clearly requires otherwise, the definitions in  
32   this section apply throughout this chapter.

33        (1) "Closed record appeal" means an administrative appeal on the  
34   record to a local government body or officer, including the  
35   legislative body, following an open record hearing on a project  
36   permit application when the appeal is on the record with no or  
37   limited new evidence or information allowed to be submitted and only  
38   appeal argument allowed.

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

1 (3) "Open record hearing" means a hearing, conducted by a single  
2 hearing body or officer authorized by the local government to conduct  
3 such hearings, that creates the local government's record through  
4 testimony and submission of evidence and information, under  
5 procedures prescribed by the local government by ordinance or  
6 resolution. An open record hearing may be held prior to a local  
7 government's decision on a project permit to be known as an "open  
8 record predecision hearing." An open record hearing may be held on an  
9 appeal, to be known as an "open record appeal hearing," if no open  
10 record predecision hearing has been held on the project permit.

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

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

32 **Sec. 6.** RCW 36.70B.070 and 1995 c 347 s 408 are each amended to  
33 read as follows:

34 (1) (a) Within (~~twenty-eight~~) 28 days after receiving a project  
35 permit application, a local government planning pursuant to RCW  
36 36.70A.040 shall (~~mail or~~) provide (~~in person~~) a written  
37 determination to the applicant(~~, stating~~).

38 (b) The written determination must state either:

39 (~~(a)~~) (i) That the application is complete; or

1        ~~((b))~~ (ii) That the application is incomplete and that the  
2 procedural submission requirements of the local government have not  
3 been met. The determination shall outline what is necessary to make  
4 the application procedurally complete.

5        (c) The number of days shall be calculated by counting every  
6 calendar day.

7        (d) To the extent known by the local government, the local  
8 government shall identify other agencies of local, state, or federal  
9 governments that may have jurisdiction over some aspect of the  
10 application.

11        (2) A project permit application is complete for purposes of this  
12 section when it meets the procedural submission requirements of the  
13 local government ~~((and is sufficient for continued processing even~~  
14 ~~though additional information may be required or project~~  
15 ~~modifications may be undertaken subsequently)), as outlined on the  
16 project permit application. Additional information or studies may be  
17 required or project modifications may be undertaken subsequent to the  
18 procedural review of the application by the local government. The  
19 determination of completeness shall not preclude the local government  
20 from requesting additional information or studies either at the time  
21 of the notice of completeness or subsequently if new information is  
22 required or substantial changes in the proposed action occur.  
23 However, if the procedural submission requirements, as outlined on  
24 the project permit application have been provided, the need for  
25 additional information or studies may not preclude a completeness  
26 determination.~~

27        (3) The determination of completeness may include or be combined  
28 with the following ~~((as optional information))~~:

29        (a) A preliminary determination of those development regulations  
30 that will be used for project mitigation;

31        (b) A preliminary determination of consistency, as provided under  
32 RCW 36.70B.040; ~~((or))~~

33        (c) Other information the local government chooses to include; or

34        (d) The notice of application pursuant to the requirements in RCW  
35 36.70B.110.

36        (4) (a) An application shall be deemed procedurally complete on  
37 the 29th day after receiving a project permit application under this  
38 section if the local government does not provide a written  
39 determination to the applicant that the application is procedurally  
40 incomplete as provided in subsection (1) (b) (ii) of this section. When

1 the local government does not provide a written determination, they  
2 may still seek additional information or studies as provided for in  
3 subsection (2) of this section.

4 (b) Within (~~fourteen~~) 14 days after an applicant has submitted  
5 to a local government additional information identified by the local  
6 government as being necessary for a complete application, the local  
7 government shall notify the applicant whether the application is  
8 complete or what additional information is necessary.

9 (c) The notice of application shall be provided within 14 days  
10 after the determination of completeness pursuant to RCW 36.70B.110.

11 **Sec. 7.** RCW 36.70B.080 and 2004 c 191 s 2 are each amended to  
12 read as follows:

13 (1) (a) Development regulations adopted pursuant to RCW 36.70A.040  
14 must establish and implement time periods for local government  
15 actions for each type of project permit application and provide  
16 timely and predictable procedures to determine whether a completed  
17 project permit application meets the requirements of those  
18 development regulations. The time periods for local government  
19 actions for each type of complete project permit application or  
20 project type should not exceed (~~one hundred twenty days, unless the~~  
21 ~~local government makes written findings that a specified amount of~~  
22 ~~additional time is needed to process specific complete project permit~~  
23 ~~applications or project types)) those specified in this section.~~

24 (~~The~~) (b) For project permits submitted after January 1, 2025,  
25 the development regulations must, for each type of permit  
26 application, specify the contents of a completed project permit  
27 application necessary for the complete compliance with the time  
28 periods and procedures.

29 (~~2~~) (c) A jurisdiction may exclude certain permit types and  
30 timelines for processing project permit applications as provided for  
31 in RCW 36.70B.140.

32 (d) The time periods for local government action to issue a final  
33 decision for each type of complete project permit application or  
34 project type subject to this chapter should not exceed the following  
35 time periods unless modified by the local government pursuant to this  
36 section or RCW 36.70B.140:

37 (i) For project permits which do not require public notice under  
38 RCW 36.70B.110, a local government must issue a final decision within  
39 65 days of the determination of completeness under RCW 36.70B.070;



1 (ii) For project permits which require public notice under RCW  
2 36.70B.110, a local government must issue a final decision within 100  
3 days of the determination of completeness under RCW 36.70B.070; and

4 (iii) For project permits which require public notice under RCW  
5 36.70B.110 and a public hearing, a local government must issue a  
6 final decision within 170 days of the determination of completeness  
7 under RCW 36.70B.070.

8 (e) A jurisdiction may modify the provisions in (d) of this  
9 subsection to add permit types not identified, change the permit  
10 names or types in each category, address how consolidated review time  
11 periods may be different than permits submitted individually, and  
12 provide for how projects of a certain size or type may be  
13 differentiated, including by differentiating between residential and  
14 nonresidential permits. Unless otherwise provided for the  
15 consolidated review of more than one permit, the time period for a  
16 final decision shall be the longest of the permit time periods  
17 identified in (d) of this subsection or as amended by a local  
18 government.

19 (f) If a local government does not adopt an ordinance or  
20 resolution modifying the provisions in (d) of this subsection, the  
21 time periods in (d) of this subsection apply.

22 (g) The number of days an application is in review with the  
23 county or city shall be calculated from the day completeness is  
24 determined under RCW 36.70B.070 to the date a final decision is  
25 issued on the project permit application. The number of days shall be  
26 calculated by counting every calendar day and excluding the following  
27 time periods:

28 (i) Any period between the day that the county or city has  
29 notified the applicant, in writing, that additional information is  
30 required to further process the application and the day when  
31 responsive information is resubmitted by the applicant;

32 (ii) Any period after an applicant informs the local government,  
33 in writing, that they would like to temporarily suspend review of the  
34 project permit application until the time that the applicant notifies  
35 the local government, in writing, that they would like to resume the  
36 application. A local government may set conditions for the temporary  
37 suspension of a permit application; and

38 (iii) Any period after an administrative appeal is filed until  
39 the administrative appeal is resolved and any additional time period  
40 provided by the administrative appeal has expired.

1 (h) The time periods for a local government to process a permit  
2 shall start over if an applicant proposes a change in use that adds  
3 or removes commercial or residential elements from the original  
4 application that would make the application fail to meet the  
5 determination of procedural completeness for the new use, as required  
6 by the local government under RCW 36.70B.070.

7 (i) If, at any time, an applicant informs the local government,  
8 in writing, that the applicant would like to temporarily suspend the  
9 review of the project for more than 60 days, or if an applicant is  
10 not responsive for more than 60 consecutive days after the county or  
11 city has notified the applicant, in writing, that additional  
12 information is required to further process the application, an  
13 additional 30 days may be added to the time periods for local  
14 government action to issue a final decision for each type of project  
15 permit that is subject to this chapter. Any written notice from the  
16 local government to the applicant that additional information is  
17 required to further process the application must include a notice  
18 that nonresponsiveness for 60 consecutive days may result in 30 days  
19 being added to the time for review. For the purposes of this  
20 subsection, "nonresponsiveness" means that an applicant is not making  
21 demonstrable progress on providing additional requested information  
22 to the local government, or that there is no ongoing communication  
23 from the applicant to the local government on the applicant's ability  
24 or willingness to provide the additional information.

25 (j) Annual amendments to the comprehensive plan are not subject  
26 to the requirements of this section.

27 (k) A county's or city's adoption of a resolution or ordinance to  
28 implement this subsection shall not be subject to appeal under  
29 chapter 36.70A RCW unless the resolution or ordinance modifies the  
30 time periods provided in (d) of this subsection by providing for a  
31 review period of more than 170 days for any project permit.

32 (l)(i) When permit time periods provided for in (d) of this  
33 subsection, as may be amended by a local government, and as may be  
34 extended as provided for in (i) of this subsection, are not met, a  
35 portion of the permit fee must be refunded to the applicant as  
36 provided in this subsection. A local government may provide for the  
37 collection of only 80 percent of a permit fee initially, and for the  
38 collection of the remaining balance if the permitting time periods  
39 are met. The portion of the fee refunded for missing time periods  
40 shall be:

1 (A) 10 percent if the final decision of the project permit  
2 application was made after the applicable deadline but the period  
3 from the passage of the deadline to the time of issuance of the final  
4 decision did not exceed 20 percent of the original time period; or

5 (B) 20 percent if the period from the passage of the deadline to  
6 the time of the issuance of the final decision exceeded 20 percent of  
7 the original time period.

8 (ii) Except as provided in RCW 36.70B.160, the provisions in  
9 subsection (1)(i) of this section are not applicable to cities and  
10 counties which have implemented at least three of the options in RCW  
11 36.70B.160(1) (a) through (j) at the time an application is deemed  
12 procedurally complete.

13 (2)(a) Counties subject to the requirements of RCW 36.70A.215 and  
14 the cities within those counties that have populations of at least  
15 ((~~twenty thousand~~)) 20,000 must, for each type of permit application,  
16 identify the total number of project permit applications for which  
17 decisions are issued according to the provisions of this chapter. For  
18 each type of project permit application identified, these counties  
19 and cities must establish and implement a deadline for issuing a  
20 notice of final decision as required by subsection (1) of this  
21 section and minimum requirements for applications to be deemed  
22 complete under RCW 36.70B.070 as required by subsection (1) of this  
23 section.

24 (b) Counties and cities subject to the requirements of this  
25 subsection also must prepare an annual performance report((s)) that  
26 ((include, at a minimum, the following information for each type of  
27 project permit application identified in accordance with the  
28 requirements of (a) of this subsection:

29 (i) Total number of complete applications received during the  
30 year;

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

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

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

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

4 ~~(vi) The mean processing time and the number standard deviation~~  
5 ~~from the mean.~~

6 ~~(c) Counties and cities subject to the requirements of this~~  
7 ~~subsection must:~~

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

10 ~~(ii) Post electronic facsimiles of the annual performance reports~~  
11 ~~through the county's or city's website. Postings on a county's or~~  
12 ~~city's website indicating that the reports are available by~~  
13 ~~contacting the appropriate county or city department or official do~~  
14 ~~not comply with the requirements of this subsection.~~

15 ~~If a county or city subject to the requirements of this~~  
16 ~~subsection does not maintain a website, notice of the reports must be~~  
17 ~~given by reasonable methods, including but not limited to those~~  
18 ~~methods specified in RCW 36.70B.110(4).~~

19 ~~(3))~~ includes information outlining time periods for certain  
20 permit types associated with housing. The report must provide:

21 (i) Permit time periods for certain permit processes in the  
22 county or city in relation to those established under this section,  
23 including whether the county or city has established shorter time  
24 periods than those provided in this section;

25 (ii) The total number of decisions issued during the year for the  
26 following permit types: Preliminary subdivisions, final subdivisions,  
27 binding site plans, permit processes associated with the approval of  
28 multifamily housing, and construction plan review for each of these  
29 permit types when submitted separately;

30 (iii) The total number of decisions for each permit type which  
31 included consolidated project permit review, such as concurrent  
32 review of a rezone or construction plans;

33 (iv) The average number of days from a submittal to a decision  
34 being issued for the project permit types listed in subsection  
35 (2)(a)(ii) of this section. This shall be calculated from the day  
36 completeness is determined under RCW 36.70B.070 to the date a  
37 decision is issued on the application. The number of days shall be  
38 calculated by counting every calendar day;

39 (v) The total number of days each project permit application of a  
40 type listed in subsection (2)(a)(ii) of this section was in review

1 with the county or city. This shall be calculated from the day  
2 completeness is determined under RCW 36.70B.070 to the date a final  
3 decision is issued on the application. The number of days shall be  
4 calculated by counting every calendar day. The days the application  
5 is in review with the county or city does not include the time  
6 periods in subsection (1)(g)(i)-(iii) of this section;

7 (vi) The total number of days that were excluded from the time  
8 period calculation under subsection (1)(g)(i)-(iii) of this section  
9 for each project permit application of a type listed in subsection  
10 (2)(a)(ii) of this section.

11 (c) Counties and cities subject to the requirements of this  
12 subsection must:

13 (i) Post the annual performance report through the county's or  
14 city's website; and

15 (ii) Submit the annual performance report to the department of  
16 commerce by March 1st each year.

17 (d) No later than July 1st each year, the department of commerce  
18 shall publish a report which includes the annual performance report  
19 data for each county and city subject to the requirements of this  
20 subsection and a list of those counties and cities whose time periods  
21 are shorter than those provided for in this section.

22 The annual report must also include key metrics and findings from  
23 the information collected.

24 (e) The initial annual report required under this subsection must  
25 be submitted to the department of commerce by March 1, 2025, and must  
26 include information from permitting in 2024.

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

31 ~~((4) The department of community, trade, and economic~~  
32 ~~development shall work with the counties and cities to review the~~  
33 ~~potential implementation costs of the requirements of subsection (2)~~  
34 ~~of this section. The department, in cooperation with the local~~  
35 ~~governments, shall prepare a report summarizing the projected costs,~~  
36 ~~together with recommendations for state funding assistance for~~  
37 ~~implementation costs, and provide the report to the governor and~~  
38 ~~appropriate committees of the senate and house of representatives by~~  
39 ~~January 1, 2005.))~~

1       **Sec. 8.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to  
2 read as follows:

3       (1) Each local government is encouraged to adopt further project  
4 review and code provisions to provide prompt, coordinated review and  
5 ensure accountability to applicants and the public(~~(, including~~  
6 ~~expedited review for project permit applications for projects that~~  
7 ~~are consistent with adopted development regulations and within the~~  
8 ~~capacity of systemwide infrastructure improvements)) by:~~

9       (a) Expediting review for project permit applications for  
10 projects that are consistent with adopted development regulations;

11       (b) Imposing reasonable fees, consistent with RCW 82.02.020, on  
12 applicants for permits or other governmental approvals to cover the  
13 cost to the city, town, county, or other municipal corporation of  
14 processing applications, inspecting and reviewing plans, or preparing  
15 detailed statements required by chapter 43.21C RCW. The fees imposed  
16 may not include a fee for the cost of processing administrative  
17 appeals. Nothing in this subsection limits the ability of a county or  
18 city to impose a fee for the processing of administrative appeals as  
19 otherwise authorized by law;

20       (c) Entering into an interlocal agreement with another  
21 jurisdiction to share permitting staff and resources;

22       (d) Maintaining and budgeting for on-call permitting assistance  
23 for when permit volumes or staffing levels change rapidly;

24       (e) Having new positions budgeted that are contingent on  
25 increased permit revenue;

26       (f) Adopting development regulations which only require public  
27 hearings for permit applications that are required to have a public  
28 hearing by statute;

29       (g) Adopting development regulations which make preapplication  
30 meetings optional rather than a requirement of permit application  
31 submittal;

32       (h) Adopting development regulations which make housing types an  
33 outright permitted use in all zones where the housing type is  
34 permitted;

35       (i) Adopting a program to allow for outside professionals with  
36 appropriate professional licenses to certify components of  
37 applications consistent with their license; or

38       (j) Meeting with the applicant to attempt to resolve outstanding  
39 issues during the review process. The meeting must be scheduled  
40 within 14 days of a second request for corrections during permit

1 review. If the meeting cannot resolve the issues and a local  
2 government proceeds with a third request for additional information  
3 or corrections, the local government must approve or deny the  
4 application upon receiving the additional information or corrections.

5 (2) (a) After January 1, 2026, a county or city must adopt  
6 additional measures under subsection (1) of this section at the time  
7 of its next comprehensive plan update under RCW 36.70A.130 if it  
8 meets the following conditions:

9 (i) The county or city has adopted at least three project review  
10 and code provisions under subsection (1) of this section more than  
11 five years prior; and

12 (ii) The county or city is not meeting the permitting deadlines  
13 established in RCW 36.70B.080 at least half of the time over the  
14 period since its most recent comprehensive plan update under RCW  
15 36.70A.130.

16 (b) A city or county that is required to adopt new measures under  
17 (a) of this subsection but fails to do so becomes subject to the  
18 provisions of RCW 36.70B.080(1)(1), notwithstanding RCW  
19 36.70B.080(1)(1)(ii).

20 ~~((2))~~ (3) Nothing in this chapter is intended or shall be  
21 construed to prevent a local government from requiring a  
22 preapplication conference or a public meeting by rule, ordinance, or  
23 resolution.

24 ~~((3))~~ (4) Each local government shall adopt procedures to  
25 monitor and enforce permit decisions and conditions.

26 ~~((4))~~ (5) Nothing in this chapter modifies any independent  
27 statutory authority for a government agency to appeal a project  
28 permit issued by a local government.

29 NEW SECTION. Sec. 9. A new section is added to chapter 36.70B  
30 RCW to read as follows:

31 (1) The department of commerce shall develop and provide  
32 technical assistance and guidance to counties and cities in setting  
33 fee structures under RCW 36.70B.160(1) to ensure that the fees are  
34 reasonable and sufficient to recover true costs. The guidance must  
35 include information on how to utilize growth factors or other  
36 measures to reflect cost increases over time.

37 (2) When providing technical assistance under subsection (1) of  
38 this section, the department of commerce must prioritize local

1 governments that have implemented at least three of the options in  
2 RCW 36.70B.160(1).

3 **Sec. 10.** RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1  
4 are each reenacted and amended to read as follows:

5 (1) Not later than April 1, 1996, a local government planning  
6 under RCW 36.70A.040 shall provide a notice of application to the  
7 public and the departments and agencies with jurisdiction as provided  
8 in this section. If a local government has made a threshold  
9 determination under chapter 43.21C RCW concurrently with the notice  
10 of application, the notice of application may be combined with the  
11 threshold determination and the scoping notice for a determination of  
12 significance. Nothing in this section prevents a determination of  
13 significance and scoping notice from being issued prior to the notice  
14 of application. Nothing in this section or this chapter prevents a  
15 lead agency, when it is a project proponent or is funding a project,  
16 from conducting its review under chapter 43.21C RCW or from allowing  
17 appeals of procedural determinations prior to submitting a project  
18 permit (~~(application)~~).

19 (2) The notice of application shall be provided within  
20 (~~(fourteen)~~) 14 days after the determination of completeness as  
21 provided in RCW 36.70B.070 and, except as limited by the provisions  
22 of subsection (4)(b) of this section, (~~(shall)~~) must include the  
23 following in whatever sequence or format the local government deems  
24 appropriate:

25 (a) The date of application, the date of the notice of completion  
26 for the application, and the date of the notice of application;

27 (b) A description of the proposed project action and a list of  
28 the project permits included in the application and, if applicable, a  
29 list of any studies requested under RCW 36.70B.070 (~~(or 36.70B.090)~~);

30 (c) The identification of other permits not included in the  
31 application to the extent known by the local government;

32 (d) The identification of existing environmental documents that  
33 evaluate the proposed project, and, if not otherwise stated on the  
34 document providing the notice of application, such as a city land use  
35 bulletin, the location where the application and any studies can be  
36 reviewed;

37 (e) A statement of the public comment period, which shall be not  
38 less than fourteen nor more than thirty days following the date of  
39 notice of application, and statements of the right of any person to



1 comment on the application, receive notice of and participate in any  
2 hearings, request a copy of the decision once made, and any appeal  
3 rights. A local government may accept public comments at any time  
4 prior to the closing of the record of an open record predecision  
5 hearing, if any, or, if no open record predecision hearing is  
6 provided, prior to the decision on the project permit;

7 (f) The date, time, place, and type of hearing, if applicable and  
8 scheduled at the date of notice of the application;

9 (g) A statement of the preliminary determination, if one has been  
10 made at the time of notice, of those development regulations that  
11 will be used for project mitigation and of consistency as provided in  
12 RCW 36.70B.030(2) and 36.70B.040; and

13 (h) Any other information determined appropriate by the local  
14 government.

15 (3) If an open record predecision hearing is required for the  
16 requested project permits, the notice of application shall be  
17 provided at least fifteen days prior to the open record hearing.

18 (4) A local government shall use reasonable methods to give the  
19 notice of application to the public and agencies with jurisdiction  
20 and may use its existing notice procedures. A local government may  
21 use different types of notice for different categories of project  
22 permits or types of project actions. If a local government by  
23 resolution or ordinance does not specify its method of public notice,  
24 the local government shall use the methods provided for in (a) and  
25 (b) of this subsection. Examples of reasonable methods to inform the  
26 public are:

27 (a) Posting the property for site-specific proposals;

28 (b) Publishing notice, including at least the project location,  
29 description, type of permit(s) required, comment period dates, and  
30 location where the notice of application required by subsection (2)  
31 of this section and the complete application may be reviewed, in the  
32 newspaper of general circulation in the general area where the  
33 proposal is located or in a local land use newsletter published by  
34 the local government;

35 (c) Notifying public or private groups with known interest in a  
36 certain proposal or in the type of proposal being considered;

37 (d) Notifying the news media;

38 (e) Placing notices in appropriate regional or neighborhood  
39 newspapers or trade journals;

1 (f) Publishing notice in agency newsletters or sending notice to  
2 agency mailing lists, either general lists or lists for specific  
3 proposals or subject areas; and

4 (g) Mailing to neighboring property owners.

5 (5) A notice of application shall not be required for project  
6 permits that are categorically exempt under chapter 43.21C RCW,  
7 unless an open record predecision hearing is required or an open  
8 record appeal hearing is allowed on the project permit decision.

9 (6) A local government shall integrate the permit procedures in  
10 this section with ~~((its))~~ environmental review under chapter 43.21C  
11 RCW as follows:

12 (a) Except for a threshold determination and except as otherwise  
13 expressly allowed in this section, the local government may not issue  
14 a decision or a recommendation on a project permit until the  
15 expiration of the public comment period on the notice of application.

16 (b) If an open record predecision hearing is required, the local  
17 government shall issue its threshold determination at least fifteen  
18 days prior to the open record predecision hearing.

19 (c) Comments shall be as specific as possible.

20 (d) A local government is not required to provide for  
21 administrative appeals of its threshold determination. If provided,  
22 an administrative appeal ~~((shall))~~ must be filed within fourteen days  
23 after notice that the determination has been made and is appealable.  
24 Except as otherwise expressly provided in this section, the appeal  
25 hearing on a threshold determination ~~((of nonsignificance shall))~~  
26 must be consolidated with any open record hearing on the project  
27 permit.

28 (7) At the request of the applicant, a local government may  
29 combine any hearing on a project permit with any hearing that may be  
30 held by another local, state, regional, federal, or other agency, if:

31 (a) The hearing is held within the geographic boundary of the  
32 local government; and

33 (b) ~~((The joint hearing can be held within the time periods  
34 specified in RCW 36.70B.090 or the))~~ The applicant agrees to the  
35 schedule in the event that additional time is needed in order to  
36 combine the hearings. All agencies of the state of Washington,  
37 including municipal corporations and counties participating in a  
38 combined hearing, are hereby authorized to issue joint hearing  
39 notices and develop a joint format, select a mutually acceptable  
40 hearing body or officer, and take such other actions as may be

1 necessary to hold joint hearings consistent with each of their  
2 respective statutory obligations.

3 (8) All state and local agencies shall cooperate to the fullest  
4 extent possible with the local government in holding a joint hearing  
5 if requested to do so, as long as:

6 (a) The agency is not expressly prohibited by statute from doing  
7 so;

8 (b) Sufficient notice of the hearing is given to meet each of the  
9 agencies' adopted notice requirements as set forth in statute,  
10 ordinance, or rule; and

11 (c) The agency has received the necessary information about the  
12 proposed project from the applicant to hold its hearing at the same  
13 time as the local government hearing.

14 (9) A local government is not required to provide for  
15 administrative appeals. If provided, an administrative appeal of the  
16 project decision and of any environmental determination issued at the  
17 same time as the project decision, shall be filed within fourteen  
18 days after the notice of the decision or after other notice that the  
19 decision has been made and is appealable. The local government shall  
20 extend the appeal period for an additional seven days, if state or  
21 local rules adopted pursuant to chapter 43.21C RCW allow public  
22 comment on a determination of nonsignificance issued as part of the  
23 appealable project permit decision.

24 (10) The applicant for a project permit is deemed to be a  
25 participant in any comment period, open record hearing, or closed  
26 record appeal.

27 (11) Each local government planning under RCW 36.70A.040 shall  
28 adopt procedures for administrative interpretation of its development  
29 regulations.

30 NEW SECTION. **Sec. 11.** The department of commerce shall develop  
31 a template for counties and cities subject to the requirements in RCW  
32 36.70B.080, which will be utilized for reporting data.

33 NEW SECTION. **Sec. 12.** The department of commerce shall develop  
34 a plan to provide local governments with appropriately trained staff  
35 to provide temporary support or hard to find expertise for timely  
36 processing of residential housing permit applications. The plan shall  
37 include consideration of how local governments can be provided with  
38 staff that have experience with providing substitute staff support or

1 that possess expertise in permitting policies and regulations in the  
2 local government's geographic area or with jurisdictions of the local  
3 government's size or population. The plan and a proposal for  
4 implementation shall be presented to the legislature by December 1,  
5 2023.

6 NEW SECTION. **Sec. 13.** Section 7 of this act takes effect  
7 January 1, 2025.

Passed by the Senate April 17, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 8, 2023.

Filed in Office of Secretary of State May 10, 2023.

--- END ---