

# Permit Processing and Timeline changes

10/22/2024

# SB 5290

- ▶ Governor Inslee signed SB 5290 approving amendments to RCW 36.70B (the Local Project Review Act)
- ▶ Legislation encourages governments to “...modernize permitting systems, providing grants to update the systems from paper to electronic, provides grants to augment permit review staff, and sets deadlines on when permits must be reviewed by, to be enforced by partial refunds on permitting fees if these deadlines are not met.”

# PDS Work Plan

- ❑ Code amendments
- ❑ Internal permit process improvements
- ❑ EnerGov reporting
- ❑ Ongoing and continuing efficiency improvements

# Key Code Requirements from SB 5290

- ❑ Clarify determination of completeness requirements
- ❑ New permit process timelines
- ❑ Refund up to 20% of application review fees if timelines are not met
- ❑ New annual reporting requirements

# New Permit Processing Timeframes

- ❑ Apply new default timelines for processing permits, effective January 1, 2025
  - ❑ 65 days if no public notice is required for the permit type
  - ❑ 100 days if public notice is required for the permit type
  - ❑ 170 days if public notice and hearings are required for the permit types

# Refund of Permitting Review Fees

- ❑ Refund application review fees up to 20% if new timelines are not met, unless additional measures have been adopted
- ❑ Three of ten optional measures must be adopted
  - ❑ Revenue neutral contingent FTE
  - ❑ On call consultant
  - ❑ Reasonable fees
  - ❑ No more than three requests for information for permit review
- ❑ Thus, we have not included new refund language in the code

# Annual Reporting

- ❑ Report annual permit review data, including data on compliance with the new permit timelines
  - ❑ Number of complete applications received during the year
  - ❑ Number of permits issued that met the timelines and do not meet timelines
  - ❑ Number of permits for which an extension of time was mutually agreed upon by the applicant and the county
  - ❑ Report must be sent to Washington State Department of Commerce and posted on our website
- ❑ Reporting is required for 2024

# Critical Areas Review (CAR)

- ❑ Critical areas review conducted prior to land use/permitting review process (unless waived)
- ❑ Purpose is to define constraints on development prior to designing project
  - ❑ Benefits anticipated:
    - ❑ Applicant avoids significant time/\$ spent on project redesign when critical areas/buffers have not yet been confirmed
    - ❑ Provides property sellers/buyers more predictability in property development & permitting pathway
    - ❑ 5-Year vesting for Critical Areas Review Determination (CARD)
- ❑ CAR is not considered a permit as it does not permit development



# Site Plan Review

- ❑ Required for all development
- ❑ Includes existing and proposed development, dimensions, setbacks, parking, critical areas, access, stormwater, onsite septic system, wells and any areas to be cleared.
- ❑ Done with the land use permit or site plan review (SPR) application

# Notice of Additional Requirements (NOAR)

- ▶ NOAR response required within 90 days - a one-time, 90-day extension is allowed
- ▶ After the 2<sup>nd</sup> NOAR we shall hold a meeting with the applicant within 14 days to go over NOAR request
- ▶ Only issue three NOAR's, then approval or denial of the project

# Other

- ▶ Applicant will have the ability to suspend review of an application. A one-time, 180-day suspension will be allowed.
- ▶ Any Type 1 project permit with a SEPA becomes a Type 2 review
- ▶ Type IV permits are exempt from the processing timeframes (development agreements, planned unit developments, major project permits)
- ▶ Wireless code has been consolidated into one location in Title 22

# Questions?

