CITY OF
BAINBRIDGE ISLAND

PLANNING COMMISSION REGULAR MEETING
THURSDAY, MARCH 28, 2024

BAINBRIDGE ISLAND CITY HALL
COUNCIL CHAMBERS
280 MADISON AVENUE N
BAINBRIDGE ISLAND, WASHINGTON

AND

ZOOM WEBINAR
HTTPS://BAINBRIDGEWA.ZOOM.US/J/81285913438
OR TELEPHONE: US: +1 253 205 0468
WEBINAR ID: 812 8591 3438

AGENDA

1. **CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW - 6:00 PM**
We would like to begin by acknowledging that the land on which we gather is within the ancestral territory of the Suquamish, "People of Clear Salt Water." Expert fishermen, canoe builders and basket weavers, the Suquamish live in harmony with the lands and waterways along Washington's Central Salish Sea as they have for thousands of years. Here, the Suquamish live and protect the land and waters of their ancestors for future generations as promised by the Point Elliot Treaty of 1855.

2. **PLANNING COMMISSION MEETING MINUTES - 6:05 PM**
Review and approve meeting minutes.

2.a **Minutes** 5 Minutes
PC Minutes 03142024.pdf

3. **PUBLIC COMMENT - 6:10 PM**

3.a **Public Comment** 10 Minutes
Instructions for Providing Public Comment at Hybrid Meetings.pdf

4. **UNFINISHED BUSINESS - 6:20 PM**

4.a **Analysis of Puget Sound Energy (PSE) Code Amendment Requests- Part 2: Owner/Agent Authorization and Public Outreach.** 20 Minutes
PSE Applicant Change Request_Analysis.pdf

5. **NEW BUSINESS - 6:40 PM**

5.a **Review SB 5290 and Discussion of Draft Work Plan** 15 Minutes
Information and Draft Work Plan for SB5290 with PlnngComm.docx

6. **PLANNING DIRECTOR'S REPORT - 6:55 PM**

7. **FOR THE GOOD OF THE ORDER - 7:00 PM**

8. **ADJOURNMENT - 7:05 PM**

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.

Planning Commission meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the Planning & Community Development Department at (206) 780-3750 or pcd@bainbridgewa.gov by noon on the day preceding the meeting.

Public comment may be limited to allow time for the Commissioners to deliberate. To provide additional public comment, email your comment to pcd@bainbridgewa.gov or mail it to Planning and Community Development, 280 Madison Avenue North, Bainbridge Island, WA 98110.

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 28, 2024 **ESTIMATED TIME:** 5 Minutes

AGENDA ITEM: Minutes

AGENDA CATEGORY: Minutes **PROPOSED BY:** Renee Argetsinger

PREVIOUS PLANNING COMMISSION REVIEW DATE(S):

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
I approved the March 14, 2024, minutes as presented.

SUMMARY:

BACKGROUND:

ATTACHMENTS:

CITY OF
BAINBRIDGE ISLAND

Planning Commission
March 14, 2024

Meeting Minutes

DRAFT

1) CALL TO ORDER/LAND ACKNOWLEDGMENT/AGENDA REVIEW

Acting Chair Blossom called the meeting to order at 6:03 p.m. in Council Chambers and on the Zoom platform. She read the Land Acknowledgement and asked if there were any conflicts of interest. Commissioner Deines disclosed a potential conflict of interest as his parents are involved in the Finch Green project.

Present in the council chambers were Commissioners Sarah Blossom, Ariel Birtley, Benjamin Deines, and Peter Schaab. Excused were Sean Sullivan and Yesh Subramanian. COBI staff in attendance were Planning Manager – HB Harper, and City Planner – Joanne Mendenhall.

2) PLANNING COMMISSION MEETING MINUTES

2.a Minutes
Cover Page
02222024 Planning Commission Regular Meeting Minutes.pdf

MOTION: I move to approve the February 22, 2024, minutes as presented.
Deines/Schaab: The motion passed unanimously.

3) PUBLIC COMMENT

3.a Public Comment
Cover Page
Instructions for Providing Public Comment at Hybrid Meetings.pdf
Acting Chair Blossom opened public comment at 6:05 p.m.
There were no commenters and public comment was closed.

4) PUBLIC PARTICIPATION MEETING

4.a Finch Green Subdivision Public Participation Meeting
Cover Page
Finch Green - PPM - packet.pdf
PLN52690 Preapplication Conference Letter.pdf
Acting Chair Blossom opened the Public Participation meeting at 6:06 p.m. and introduced City Planner Mendenhall who introduced the item.

Johnathan Davis introduced Phedra Elliot of Housing Resources Bainbridge (HRB) who introduced the project. Mr. Davis provided a presentation of the proposed project.

PPM Public Comments:

1. Barbara Deines, Bethany Lutheran Church board member, spoke in favor of the affordable housing project at the Bethany Church property.

2. Lynn Nordby, President of Bethany Congregation, spoke in favor of this affordable housing project.

3. Asaph Glosses, member of HRB & Finch Board spoke in favor of the project.

4. Tina Gilbert spoke in favor of the project and the great gift of land by Bethany Lutheran Church.

5. Siri Kushner, Housing Resources Bainbridge (HRB) board member and native Bainbridge Islander, spoke in favor of the affordable housing project.

6. Rachele Turnbull, member of HRB board, spoke in favor or the project.

7. Talis Abolins spoke via Zoom in support of the project and the improvements made to the design.

Commissioners made comments and questions and Johnathan Davis provided additional information. Pheda Elliot provided additional information about the land being owned by HRB with leases to the homeowners.

Acting Chair Blossom closed the Public Participation meeting at 6:44 p.m.

5) UNFINISHED BUSINESS

5.a Analysis of Puget Sound Energy (PSE) code amendment requests- Part I: review of proposed amendments to critical areas ordinance and zoning code.
Cover Page
Review and Analysis of Amendment Requests_Pros and Cons.pdf
PSE Submittal_Code Amendment Cover Letter.pdf
PSE Submittal_Code Amendment Narrative.pdf
PSE Submittal_Best Available Science Review by HDR.pdf
PSE Submittal_Bainbridge Code Amendment Comparison Analysis.pdf
PSE Submittal_Structures and Equipment photo glossary.pdf
PSE Submittal_Example of Typical PSE Roadside Electrical Lines.pdf
PSE Submittal_SEPA Checklist.pdf

Acting Chair Blossom introduced the agenda item and Planning Manager HB Harper provided an overview of the agenda timing. She introduced Kerry Kriner of Puget Sound Energy who provided a presentation describing the proposed projects.
Murden Cove Substation Upgrade
North Madison Underground and Tree Wire

City Planner Mendenhall gave a presentation explaining city permit requirements and needed clarification.

Planning Manager Harper provided an explanation of the slide describing conditional use permit provisions and how/if the conditional use permit is triggered.

Commissioners had questions and discussion about code amendments and when conditional use permits are required which were answered by Kerry Kriner of Puget Sound Energy, Planning Manager Harper, and Planner Mendenhall.

Commissioners requested staff to proceed with work to implement a new draft of the proposed changes to the code.

Planner Mendenhall continued the presentation explaining the modifications to required setbacks and heights and there was discussion.

Planning Manager Harper introduced the Aquifer Recharge Protection Areas (ARPA)discussion.

The Commissioners need more time and information before making a recommendation but suggested mitigation including replanting and ground cover.

Planning Manager Harper took a pulse of the commissioners and if they wish to continue the discussion tonight give the late hour. It was agreed to continue. She introduced the discussion regarding wetlands.

After discussion, Commissioners requested recommended language clarification when bringing back new code language.

6) NEW BUSINESS

6.a Nominations for Selection Panel for New Appointments to Planning Commission Cover Page

Acting Chair Blossom introduced the agenda item and requested a motion.

MOTION: I move to nominate Peter Schaab and Ariel Birley to the selection panel for new member appointment to the Planning Commission.
Blossom/Deines: The motion passed unanimously.

7) PLANNING DIRECTOR'S REPORT

No report provided.

8) FOR THE GOOD OF THE ORDER

None.

9) ADJOURNMENT

Acting Chair Blossom adjourned the meeting at 9:12 p.m.

DRAFT

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 28, 2024 **ESTIMATED TIME:** 10 Minutes

AGENDA ITEM: Public Comment

AGENDA CATEGORY: Discussion **PROPOSED BY:** Renee Argetsinger

PREVIOUS PLANNING COMMISSION REVIEW DATE(S):

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Instructions for Providing Public Comment.

SUMMARY:

BACKGROUND:

ATTACHMENTS:

CITY OF
BAINBRIDGE ISLAND

Planning and Community Development

Members of the public are encouraged to submit written public comment to the Planning Commission at any time by emailing Commissioners directly or sending comments to pcd@bainbridgewa.gov and City staff will forward your comment directly to Commissioners on your behalf. Members of the public who wish to provide public comment may attend the meeting in Council Chambers or may participate remotely by following the instructions outlined below. If you are attending in-person, please sign up to speak on the sign-in sheet by the Chamber doors. The Chair or Acting Chair will call the people signed up on the sign-in sheet in Council Chambers first, and speakers will have three minutes to speak from the podium. Following the in-person comment, people who have raised their hands in the Zoom meeting will be called on next. A timer on the screen will indicate when 3 minutes have elapsed. Guidelines for public comment are also attached.

INSTRUCTIONS FOR PROVIDING PUBLIC COMMENT REMOTELY

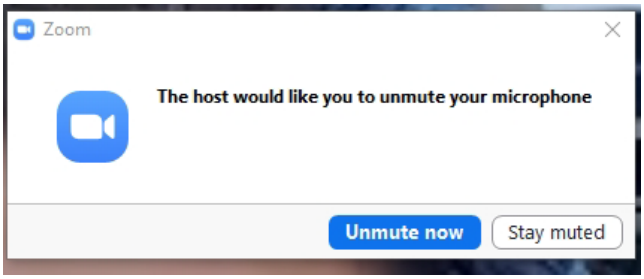
1. Join the Zoom webinar by following the link posted on the agenda and on the City calendar.

2. Sign in to Zoom with your full name.

3. The Chair will indicate when it is time for public comment.

4. Attendee indicates desire to speak by clicking on "Raise Hand" option at the bottom of the screen. If you are calling in by phone and would like to make a comment, *6 mute/unmute *9 raise/lower hand to be called on to speak.

5. Attendee clicks button "Unmute now" after they are called to speak by the Chair.



6. Attendee will appear on screen with other panelists, but without video, just name.

IMPORTANT NOTE: If you do not have the latest version of Zoom, you will be promoted to panelist. You will then appear with video enabled. Look for the video icon in the bottom left-hand corner of the screen to turn off your video.

7. Attendee provides comment.

8. A timer on the screen will track your time.

9. Stop speaking when the timer reaches the 3-minute mark.

10. Attendee is returned to attendee group, and microphone is muted.

11. Public comment is simply received by the Planning Commission, with no response.

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 28, 2024 **ESTIMATED TIME:** 20 Minutes

AGENDA ITEM: Analysis of Puget Sound Energy (PSE) Code Amendment Requests- Part 2: Owner/Agent Authorization and Public Outreach.

AGENDA CATEGORY: Discussion **PROPOSED BY:** Jo Mendenhall

PREVIOUS PLANNING COMMISSION REVIEW DATE(S): February 22, 2024 and March 14, 2024

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Information only

SUMMARY:
Staff will present and discuss with Planning Commission members the final requested code amendment made by Puget Sound Energy (PSE) in support of their broad work plan to upgrade electrical transmission and distribution lines.

BACKGROUND: Puget Sound Energy (PSE) submitted an application for code amendments under Bainbridge Island Municipal Code (BIMC) 2.16.180. The code amendments are requested to support the installation, upgrade and maintenance of PSE's linear distribution and transmission line infrastructure. At the February 22, 2024, Planning Commission meeting, commissioners moved to separate out the various code amendment requests to be considered at several Planning Commission meetings. The March 14, 2024, discussion focused on the PSE-requested amendments to aquifer recharge protection area designation requirements; requested amendments to the standards for regulated wetlands and their buffers; requested amendments to zoning setback requirements; and, requested amendments to height requirements in the zoning code. Tonight's discussion will be focused on the PSE-requested amendments to BIMC 2.16.020.D regarding who can apply for permits. Additionally, the discussion will include consideration of appropriate public outreach for the public hearing that will be scheduled once a draft ordinance is prepared.

ATTACHMENTS:

CITY OF BAINBRIDGE ISLAND MUNICIPAL CODE AMENDMENT APPLICATION BY PUGET SOUND ENERGY (PSE)

BIMC 2.16.020 GENERAL PROVISIONS

THE REQUEST:

Amend BIMC 2.16.020.D regarding who can apply for a land use or building permit to include a public or private utility that can provide written documentation of their authority to exercise eminent domain under Title 8 RCW.

SUPPORTING ARGUMENT	NO CHANGE ARGUMENT
The existing code does not acknowledge the discretionary nature of many permit review processes. PSE may not be able to precisely identify needed rights before going through land use and environmental permit processes, as the City may request slight shifts in pole placement or the location of other infrastructure with can impact easement size and configuration.	Not all land use applications require public notice. The first time a property owner hears out about a project that may impact their property should not be after a permit has already been issued.
Most permit processes include public notice requirements, including public hearings for some levels of review. These processes provide community transparency and provide the opportunity for public review and comment on a project, even beyond the impacted property owners within a project area.	Acknowledging and respecting property ownership rights is standard practice in city planning processes.
The requested amendment allows PSE to apply for permits and acquire rights, but preserves the City's authority to not issue construction permits until proof of rights is provided by PSE.	

POSSIBLE OUTCOMES IF THE CODE IS NOT AMENDED:

- PSE may acquire rights to property it does not need or where they do not have sufficient rights, both of which have the potential to negatively impact Bainbridge Island property owners and is not in the best interest of PSE rate payers.

POSSIBLE ALTERNATIVES:

- Allow PSE to apply for permits if they can also document at the time of submittal that the property owners who may be impacted by the project have been notified before permit submittal. The City could then condition any permit approval such that no construction can occur on any property without proper authorization.

RCW 80.32.060 – 80.32.080 (Eminent Domain by Corporations - electric light and power companies)

RCW 80.32.060 – EMINENT DOMAIN

Every corporation, incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States, and doing business in this state, for the purpose of manufacturing or transmitting electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this state to exercise the right of eminent domain: PROVIDED, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the transmission line thereon has been authorized in accordance with RCW 80.32.010.

RCW 80.32.070 – RIGHT OF ENTRY

Every such corporation shall have the right to enter upon any land between the termini of the proposed lines for the purpose of examining, locating and surveying such lines, doing no unnecessary damage thereby.

RCW 80.32.080 - DUTIES OF ELECTRICAL COMPANIES EXERCISING POWER OF EMINENT DOMAIN.

Any corporation authorized to do business in this state, which, under the present laws of the state, is authorized to condemn property for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the state and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: PROVIDED, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: PROVIDED FURTHER, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five

percent of the total amount of such excess power generated or transmitted by it. In exercising the power of eminent domain for public purposes it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: PROVIDED, That all public service or quasi public service corporations shall at no time sell, deliver and dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of RCW 80.32.080 through 80.32.100.

CITY OF BAINBRIDGE ISLAND

Planning Commission Regular Meeting Agenda Bill

MEETING DATE: March 28, 2024 **ESTIMATED TIME:** 15 Minutes

AGENDA ITEM: Review SB 5290 and Discussion of Draft Work Plan

AGENDA CATEGORY: Discussion **PROPOSED BY:** Patricia Charnas

PREVIOUS PLANNING COMMISSION REVIEW DATE(S):

PREVIOUS COUCIL REVIEW DATE(S):

RECOMMENDED MOTION:
Information Only

SUMMARY:
The Planning Director will review the content and impacts of SB 5290 on permit review processes and procedures and will describe a general work plan with the Planning Commission on complying with SB 5290 by the deadline of January 2025.

BACKGROUND: SB 5290 requires local governments to comply with new permit review time frames and modifies how local governments accept, process and deny or issue permits. The City Council directed that staff work with the Planning Commission on identifying and recommending changes to development review and permit application procedures. Planning Commission recommendations on code changes will be forwarded to the City Council for their consideration.

ATTACHMENTS:

Complying with SB 5290 on new requirements and time frames for permit processing.

Planning Commission Meeting - March 28,2024

General Work Plan

Goal: to review, recommend and enact changes to regulations, processes and procedures related to project permit reviews so that compliance with the new permit review requirements of SB 5290 is achieved by the deadline of January 2025.

Task 1: In support of grant application to WA Dept of Commerce (April/May):

Discuss and prepare a Resolution for City Council consideration a statement of general commitment to work on new statutory permit review times

If Resolution is approved by City Council, prepare and submit grant application to fund consultant services.

Use consultant services to review, analyze and identify specific areas of potential revisions to a) processes and procedures; and b) code

Task 2: Consider making allowable changes to Fee Schedule (June/July):

Consider allowances for changes to Fee schedule by July 2024 deadline

Task 3: Begin regular monthly discussion sessions with Planning Commission on project progress.

Section-by Section Review of SB 5290 on Revising Permit Review Time Periods

2SSB 5290, modifies Chapter 36.70B RCW, Local Project Review, which is mostly applicable to cities, towns, and counties that are fully planning under GMA. Below, the description of each section of the bill includes a summary statement of applicability.

Section1—Required and Allowed Exclusions from Review Processes

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.140
APPLIES TO	Counties, cities, and towns fully planning under GMA

This section:

- allows local government to exclude permit types that need special review processes **or special time periods** from the requirements for permit review processes in RCW 36.70B;
- requires exclusion of applications for most interior alterations from **site plan review**.

Section 2—Grants for Acceleration of Residential Building Permits

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.240
APPLIES TO	Department of Commerce

This section requires Commerce to create a grant program for local governments that commit to accelerated timelines for residential building permits.

Section 3—Grants for Digital Permitting Systems (not applicable to CoBI)

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.241
APPLIES TO	Department of Commerce

This section requires Commerce to create a grant program for local governments to update from paper to digital permitting systems. For a city to qualify, it must allow at least two dwelling units per residential lot.

Section 4—Digital Permitting Workgroup (not applicable to CoBI)

EFFECTIVE	7/23/2023
CODIFIED AT	not codified
APPLIES TO	Department of Commerce

This section requires Commerce to convene a digital permitting workgroup by 8/1/2023. By 8/1/2024, Commerce must report on:

- the need for digital permitting systems for local governments;
- the barriers to adoption of digital permitting systems;
- the cost/benefit of a statewide permitting software system; and
- budgetary, administrative, and legislative recommendations to establish a statewide system of digital permit review.

Section 5—Definition of “Project Permit”

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.020
APPLIES TO	All cities/towns, counties

This section amends the definition of “project permit” in RCW 36.70B to exclude building permits.

Section 6—Determination of Completeness

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.070
APPLIES TO	Counties, cities, and towns fully planning under GMA

This section:

- clarifies the process for determining an application is complete within 28 calendar days;
- clarifies that a determination of completeness must be based solely on the procedural requirements identified on the project permit application;
- requires a notice of application within 14 days of determining the application complete.

Section 7(1)(a)-(k)—New Permit Time Periods

EFFECTIVE	1/1/2025
CODIFIED AT	RCW 36.70B.080(1)
APPLIES TO	Counties, cities, and towns fully planning under GMA

This section requires changes to development regulations **revising the existing 120-day time period**, from the date an application is determined complete, for processing an application to:

- 65 days if no notice is required for the permit type;
- 100 days if public notice is required for the permit type;
- 170 days if public notice and hearing are required for the permit type.

This section also:

- allows local governments to modify the default time periods above;
- exempts the local government's ordinance to adopt time periods from GMHB appeal IF it does not create a review period of more than 170 days for any project permit.
- makes the default time periods above apply automatically if the local government does not adopt an ordinance setting or changing the time periods.

Section 7(1)(l)—Application Fee Refunds

EFFECTIVE	1/1/2025
CODIFIED AT	RCW 36.70B.080(1)
APPLIES TO	Counties, cities, and towns fully planning under GMA

This section requires local jurisdictions to **refund 10-20% of permit fees** if the new time periods described in section 7 are not met, **unless** they have adopted at least 3 measures per section 8. It also allows a local government to only collect 80% of a permit fee upon application, and the remainder only if time periods are met.

Section 7(2)—Performance Report

EFFECTIVE	1/1/2025
CODIFIED AT	RCW 36.70B.080(2)
APPLIES TO	Counties and cities/towns subject to existing performance report requirement (per RCW 36.70A.215, counties with greater than 150,000 population in 1996 and cities/towns over 20,000 within those counties); Department of Commerce

This section modifies the existing annual performance report requirement to include data on compliance with the new permit time periods. The first report, summarizing permitting data from 2024, is due by March 1, 2025.

This section also requires Commerce to publish an annual report summarizing that data.

Section 8(1)—Measures to Expedite Permit Review

EFFECTIVE	1/1/2025
CODIFIED AT	RCW 36.70B.160 (note two different bills in the 2023 session amended .160)
APPLIES TO	All local governments

This portion of section 8 encourages local governments to take some of 10 listed measures to expedite permit review, including measures to:

- ensure permit fees are reasonable;
- limit need for public hearings to only those permit types required by statute;
- make preapplication meetings optional;
- make housing an outright permitted use;
- budgeting for on-call permitting assistance; and
- provide for hiring outside professionals to certify components of applications consistent with their licenses.

Section 8(2)—Requirement to Adopt Measures

EFFECTIVE	1/1/2026
CODIFIED AT	RCW 36.70B.160 (note two different bills in the 2023 session amended .160)
APPLIES TO	Counties, cities, and towns fully planning under GMA

This portion of section 8 requires local governments to adopt additional measures to expedite permit review at their next comprehensive plan update after 1/1/26 if:

- the local government had adopted at least 3 project review and code measures more than five years earlier; and
- the local government is not meeting the permit deadlines at least 50% of the time since its most recent comprehensive plan update.

A local government that is required to, but fails to adopt new measures becomes such to the application refund requirements in section 7.

Examples

The interplay between sections 7 and 8 is somewhat complex and is best illustrated by the following hypotheticals:

- A city adopts time periods for decisions on various types of permits per section 7 but does not adopt at least 3 measures from section 8. Starting January 1, 2025, if the city fails to meet the adopted permit time period for a given permit application, it must refund a portion of the application fee (10% if the review time was less than 120% of the prescribed time period, or 20% if the review time exceeded 120% of the prescribed time period).
- A city adopts time periods for decisions on various types of permits per Section 7 AND adopts 3 measures from section 8. Even if it fails to meet the adopted permit time period for a given permit application, it is not obligated to refund the permit fee (per RCW 36.70B.080(1)(l)(ii)).
- After January 1, 2026, if a city had adopted 3 measures from section 8 at least five years earlier (motivated by the safe harbor from having to refund permit fees) BUT still is not meeting permit deadlines at least 50% of the time (as measured from the date of the city's most recent comprehensive plan update), it must adopt additional measures from section 8 at the time of its subsequent Comprehensive Plan update OR it will become subject to the requirement to refund permit fees for late application reviews.

Section 9—Fee Guidance

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.245
APPLIES TO	Department of Commerce

This section requires Commerce to provide technical assistance and guidance to local governments regarding the structure of their application and permit fees.

Section 10—Miscellaneous

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.110
APPLIES TO	Counties, cities, and towns fully planning under GMA

This section:

- makes minor amendments to citations;
- clarifies that the requirement to consolidate a SEPA appeal hearing with the underlying permit hearing applies to all threshold determinations, not just a DNS.

Section 11—Performance Report Template

EFFECTIVE	7/23/2023
CODIFIED AT	RCW 36.70B.250
APPLIES TO	Department of Commerce

This section requires Commerce to create a template for those local governments required to submit annual performance reports by Section 7(2).

Section 12—Temporary Permit Staff

EFFECTIVE	7/23/2023
CODIFIED AT	not codified
APPLIES TO	Department of Commerce

This section requires Commerce to develop, by 12/1/2023, a plan to provide local government with temporary permit staff for residential housing permit applications.

Section 13—Effective Date

EFFECTIVE	7/23/2023
CODIFIED AT	not codified
APPLIES TO	Section 7

This section makes section 7 effective 1/1/2025.