

**SB 5729 - S AMD 108**

By Senator Gildon

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there is a  
4 housing crisis in Washington state. There is a need to expedite the  
5 permit approval process. Permitting buildings is one area that has  
6 been identified as a hindrance to increasing the number of housing  
7 units. The legislature finds that streamlining processing of building  
8 permits is a powerful way to combat the lack of housing in this  
9 state.

10 **Sec. 2.** RCW 36.70B.070 and 2023 c 338 s 6 are each amended to  
11 read as follows:

12 (1)(a) Within 28 days after receiving a project permit  
13 application, a local government planning pursuant to RCW 36.70A.040  
14 shall provide a written determination to the applicant.

15 (b) The written determination must state either:

16 (i) That the application is complete; or

17 (ii) That the application is incomplete and that the procedural  
18 submission requirements of the local government have not been met.  
19 The determination shall outline what is necessary to make the  
20 application procedurally complete.

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

23 (d) To the extent known by the local government, the local  
24 government shall identify other agencies of local, state, or federal  
25 governments that may have jurisdiction over some aspect of the  
26 application.

27 (2) A project permit application is complete for purposes of this  
28 section when it meets the procedural submission requirements of the  
29 local government, as outlined on the project permit application.  
30 Additional information or studies may be required or project  
31 modifications may be undertaken subsequent to the procedural review

1 of the application by the local government. The determination of  
2 completeness shall not preclude the local government from requesting  
3 additional information or studies either at the time of the notice of  
4 completeness or subsequently if new information is required or  
5 substantial changes in the proposed action occur. However, if the  
6 procedural submission requirements, as outlined on the project permit  
7 application have been provided, the need for additional information  
8 or studies may not preclude a completeness determination.

9 (3) The determination of completeness may include or be combined  
10 with the following:

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

13 (b) A preliminary determination of consistency, as provided under  
14 RCW 36.70B.040;

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

16 (d) The notice of application pursuant to the requirements in RCW  
17 36.70B.110.

18 (4)(a) An application shall be deemed procedurally complete on  
19 the 29th day after receiving a project permit application under this  
20 section if the local government does not provide a written  
21 determination to the applicant that the application is procedurally  
22 incomplete as provided in subsection (1)(b)(ii) of this section. When  
23 the local government does not provide a written determination, they  
24 may still seek additional information or studies as provided for in  
25 subsection (2) of this section.

26 (b) Within 14 days after an applicant has submitted to a local  
27 government additional information identified by the local government  
28 as being necessary for a complete application, the local government  
29 shall notify the applicant whether the application is complete or  
30 what additional information is necessary.

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

33 (5)(a) Any project permit applications submitted with plans,  
34 computations, or specifications prepared, stamped, and signed by a  
35 professional engineer or architect meeting the requirements under (b)  
36 of this subsection, licensed under the laws of the state of  
37 Washington, in the specific discipline as appropriate, is deemed  
38 complete under this section by the city or county building department  
39 with authority under RCW 19.27.050. Additional information or studies  
40 may be required or project modifications undertaken subsequent to the

1 procedural review of the application by the local government. The  
2 determination of completeness may not preclude the local government  
3 from requesting additional information or studies either at the time  
4 of the notice of completeness or subsequently if new information is  
5 required or substantial changes in the proposed action occur. If the  
6 procedural submission requirements as outlined on the project permit  
7 application have been provided, the need for additional information  
8 or studies may not preclude a completeness determination.

9 (b) The professional engineer or architect must maintain  
10 professional liability errors and omissions insurance in an amount of  
11 not less than \$1,000,000 executed by an insurer authorized to do  
12 business in the state of Washington, as determined by rule by the  
13 board of registration for professional engineers and land surveyors.

14 (c)(i) A county or city may not approve a building permit  
15 application that does not comply with the development regulations in  
16 effect, including those required by state or federal law.

17 (ii) A county or city may not approve a building permit  
18 application that does not comply with the housing affordability  
19 requirements adopted by a county or city.

20 (d) The department may review the application for compliance and  
21 consistency with the current building codes, zoning, critical areas,  
22 shoreline master plan documentation, or other land use control  
23 ordinances in effect.

24 **Sec. 3.** RCW 36.70B.050 and 1995 c 347 s 406 are each amended to  
25 read as follows:

26 (1) Not later than March 31, 1996, each local government shall  
27 provide by ordinance or resolution for review of project permit  
28 applications to achieve the following objectives:

29 ((+1)) (a) Combine the environmental review process, both  
30 procedural and substantive, with the procedure for review of project  
31 permits; and

32 ((+2)) (b) Except for the appeal of a determination of  
33 significance as provided in RCW 43.21C.075, provide for no more than  
34 one open record hearing and one closed record appeal.

35 (2) A project permit application that is consistent with adopted  
36 development regulations, including critical area ordinances, and  
37 within the capacity of public facilities is deemed approved following  
38 six reviews or requests for additional information by the local  
39 government unless clear violation of substantive and procedural

requirements is demonstrated by the reviewing local government.  
Nothing in this subsection removes a local government's requirements  
to comply with the remainder of this chapter. This subsection does  
not apply to:

(a) Project permit applications required to be approved by  
hearing examiners or legislative bodies; or

(b) Project permit applications required by state or federal law.

**Sec. 4.** RCW 36.70B.140 and 2023 c 338 s 1 are each amended to  
read as follows:

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

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

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

(a) Additional sleeping quarters or bedrooms;

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

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

(4) A local government, by ordinance or resolution, must exclude  
the following project permits from the provisions of chapter 36.70B  
RCW:

1       (a) The expansion or remodeling of existing buildings,  
2 structures, or development provided:

3       (i) The alterations do not modify the existing site layout;

4       (ii) The expansion or remodeling of existing buildings,  
5 structures, or development is outside the critical area or critical  
6 area buffers; or

7       (iii) In cases where two or more duplexes will be built on the  
8 same lot;

9       (b) The project involves no exterior work adding to the building  
10 footprint;

11       (c) The door or window adjustments or replacements are allowed  
12 with no site plan needed; and

13       (d) Total additions and alterations and detached accessory  
14 structures are less than 2,000 square feet in area without new  
15 vehicular access.

16       (5) Nothing in this section exempts interior alterations from  
17 otherwise applicable building, plumbing, mechanical, or electrical  
18 codes.

19       ~~((+5+))~~ (6) For purposes of this section, "interior alterations"  
20 include construction activities that do not modify the existing site  
21 layout or its current use and involve no exterior work adding to the  
22 building footprint.

23       **Sec. 5.** RCW 18.43.035 and 2020 c 47 s 1 are each amended to read  
24 as follows:

25       (1) The board may adopt and amend bylaws establishing its  
26 organization and method of operation, including but not limited to  
27 meetings, maintenance of books and records, publication of reports,  
28 code of ethics, and rosters, and adoption and use of a seal.

29       (2) Four members of the board shall constitute a quorum for the  
30 conduct of any business of the board.

31       (3) The board shall appoint its director, who must hold a valid  
32 Washington license as a professional engineer or professional land  
33 surveyor.

34       (4) The board may employ such persons as are necessary to carry  
35 out its duties under this chapter.

36       (5) It may adopt rules reasonably necessary to administer the  
37 provisions of this chapter and RCW 36.70B.070(5)(b). The board shall  
38 submit to the governor periodic reports as may be required. A roster,  
39 showing the names and places of business of all registered

1 professional engineers and land surveyors may be published for  
2 distribution, upon request, to professional engineers and land  
3 surveyors registered under this chapter and to the public."

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4 On page 1, line 2 of the title, after "process;" strike the  
5 remainder of the title and insert "amending RCW 36.70B.070,  
6 36.70B.050, 36.70B.140, and 18.43.035; and creating a new section."

EFFECT: (1) Clarifies that the permit application requirements apply to project permit applications, rather than building permit applications.

(2) Restricts city or county building departments from imposing substantial modifications or conditions on submittals to determine the completeness of the application.

(3) Adds current building codes and shoreline master plan documentation to the list of land use control ordinances that a local building department review to determine project permit compliance.

(4) Adds rule-making authority for the board of registration for professional engineers and land surveyors with respect to maintaining professional liability insurance.

(5) Amends process by which a project permit is deemed approved by: (a) Requiring the permit to be within the capacity of public facilities, rather than systemwide infrastructure improvement; and (b) following six review or requests for additional information, rather than three.

(6) Clarifies that the deemed approval of project permit applications after six reviews or requests for additional information does not remove a local government's requirements to comply with other project permit statutes.

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