
SUBSTITUTE HOUSE BILL 1026

State of Washington

68th Legislature

2023 Regular Session

By House Housing (originally sponsored by Representatives Walen, Duerr, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Macri, Tharinger, Wylie, and Santos)

1 AN ACT Relating to local government design review; and amending
2 RCW 36.70B.020 and 36.70B.120.

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

4 **Sec. 1.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Closed record appeal" means an administrative appeal on the
9 record to a local government body or officer, including the
10 legislative body, following an open record hearing on a project
11 permit application when the appeal is on the record with no or
12 limited new evidence or information allowed to be submitted and only
13 appeal argument allowed.

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

15 (3) "Open record hearing" means a hearing, conducted by a single
16 hearing body or officer authorized by the local government to conduct
17 such hearings, that creates the local government's record through
18 testimony and submission of evidence and information, under
19 procedures prescribed by the local government by ordinance or
20 resolution. An open record hearing may be held prior to a local
21 government's decision on a project permit to be known as an "open

1 record predecision hearing." An open record hearing may be held on an
2 appeal, to be known as an "open record appeal hearing," if no open
3 record predecision hearing has been held on the project permit.

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

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

24 **Sec. 2.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to
25 read as follows:

26 (1) Each local government planning under RCW 36.70A.040 shall
27 establish a permit review process that provides for the integrated
28 and consolidated review and decision on two or more project permits
29 relating to a proposed project action, including a single application
30 review and approval process covering all project permits requested by
31 an applicant for all or part of a project action and a designated
32 permit coordinator. If an applicant elects the consolidated permit
33 review process, the determination of completeness, notice of
34 application, and notice of final decision must include all project
35 permits being reviewed through the consolidated permit review
36 process.

37 (2) Consolidated permit review may provide different procedures
38 for different categories of project permits, but if a project action
39 requires project permits from more than one category, the local

1 government shall provide for consolidated permit review with a single
2 open record hearing and no more than one closed record appeal as
3 provided in RCW 36.70B.060. Each local government shall determine
4 which project permits are subject to an open record hearing and a
5 closed record appeal. Examples of categories of project permits
6 include but are not limited to:

7 (a) Proposals that are categorically exempt from chapter 43.21C
8 RCW, such as construction permits, that do not require environmental
9 review or public notice;

10 (b) Permits that require environmental review, but no open record
11 predecision hearing; and

12 (c) Permits that require a threshold determination and an open
13 record predecision hearing and may provide for a closed record appeal
14 to a hearing body or officer or to the local government legislative
15 body.

16 (3) A local government may provide by ordinance or resolution for
17 the same or a different decision maker or hearing body or officer for
18 different categories of project permits. In the case of consolidated
19 project permit review, the local government shall specify which
20 decision makers shall make the decision or recommendation, conduct
21 the hearing, or decide the appeal to ensure that consolidated permit
22 review occurs as provided in this section. The consolidated permit
23 review may combine an open record predecision hearing on one or more
24 permits with an open record appeal hearing on other permits. In such
25 cases, the local government by ordinance or resolution shall specify
26 which project permits, if any, shall be subject to a closed record
27 appeal.

28 (4) (a) Except as provided in (b) of this subsection, when
29 reviewing a housing development permit application, a local
30 government planning under RCW 36.70A.040 may only require
31 administrative design review to determine compliance with any
32 applicable design standards.

33 (b) The provisions of (a) of this subsection do not apply to
34 development regulations that apply only to structures or districts
35 listed on a local historic register through a local preservation
36 ordinance, the Washington heritage register as described in RCW
37 27.34.220, or the national register of historic places as defined in
38 the national historic preservation act of 1966 (Title 1, Sec. 101,
39 Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or
40 hereafter amended.

1 (c) For the purposes of this subsection (4):
2 (i) "Administrative design review" means a determination of
3 compliance with design-related development regulations conducted
4 solely by local government employees without either a public meeting
5 or review by an external board.
6 (ii) "Housing development" means a proposed or existing structure
7 that is used as a home, residence, or place to sleep by one or more
8 persons including, but not limited to, single-family residences,
9 manufactured homes, multifamily housing, group homes, and foster care
10 facilities.

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