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> [Impending Deadline of January 1 to Address SB 5290's New Development Timelines](#)

## Impending Deadline of January 1 to Address SB 5290's New Development Timelines

August 7, 2024 by [Steve Butler](#)

Category: [Land Use Administration](#), [New Legislation and Regulations](#)



There is an impending deadline of January 1, 2025, for Washington's local governments to review their development project review processes and decide whether to revise them. Signed into law in 2023, [Senate Bill \(SB\) 5290](#), contained several changes to [Chapter 36.70B RCW](#) (the Local Project Review Act) that will alter how public development review occurs at the local level.

These new statutory project review provisions apply to local governments planning under the [Growth Management Act \(GMA\)](#) pursuant to [RCW 36.70A.040](#), and they are intended to increase the timeliness and predictability of local development project review and decision-making. MRSC first highlighted these statutory changes in [2023 Legislative Updates to Modernize and Streamline Local Project Review](#).

This blog will focus primarily on changes to the development review timelines. If local action has not been taken by January 1, 2025, then the new state timelines will automatically apply to your development review processes. Given that local adoption of new code provisions can take three to four months or more, it is important that affected local governments actively review the new state requirements and revise development review procedures as deemed necessary.

## Summary of the New Timeline Requirements

In 2023, the Washington State Legislature amended the required timelines (as part of [SB 5290](#)) for affected cities and counties to issue a final decision on an application for land use review within the following time frames:

- 65 Days: For project permits that do not require public notice under [RCW 36.70B.110](#), a local government must issue a final decision within 65 days of the determination of completeness under [RCW 36.70B.070](#).
- 100 Days: For project permits that require public notice under [RCW 36.70B.110](#), a local government must issue a final decision within 100 days of the determination of completeness under [RCW 36.70B.070](#).
- 170 Days: For project permits that require public notice under [RCW 36.70B.110](#) and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under [RCW 36.70B.070](#).

The number of days is calculated from the day a determination of completeness is issued and it excludes:

- The days between when a local government has notified the applicant that additional information is needed and when the local government receives the requested information;
- Any period during which the applicant has requested a temporary suspension of the review; and
- The time during which an administrative appeal is being considered.

The new law also requires that the deadlines for final decisions are based on counting calendar days and *not* business days. This new calculation of how days are counted may be different than how your agency has calculated timelines in the past, so be sure to incorporate it into your development review process.

[SB 5290](#) also requires determinations of completeness to be based *only* on the procedural requirements contained in a project permit application. In other words, if the procedural submission requirements have been provided by an applicant, the need for additional information or studies *may not preclude* issuance of a determination of completeness.

The Washington State Department of Commerce (Commerce) has a lot of helpful information on its [Local Project Review](#) webpage about the full range of changes required under [SB 5290](#), and additional resources. Commerce will also be providing broader guidance and assistance for local project review, along with a template for the annual performance reports, in the months ahead.

### Timeline Modifications Are Allowed

Some local governments, especially those with limited staff and consultant resources, may be wondering how they will be able to meet the new statutory timelines. For jurisdictions with this concern, it is important to note that a local government may adopt an ordinance or resolution modifying the permit timelines and types for each of the three timeline categories mentioned above (i.e., 65, 100, and 170 days). [RCW 36.70B.080\(1\)](#) (d) includes the following language:

The time periods for local government action to issue a final decision for each type of complete project permit application or project type subject to this chapter should not exceed the following time periods *unless modified by the local government pursuant to this section* or [RCW 36.70B.140](#). [*Emphasis added*]

[RCW 36.70B.080\(1\)\(e\)](#) then adds the following:

Unless otherwise provided for the consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit time periods identified in (d) of this subsection *or as amended by a local government*. [*Emphasis added*]

Adoption of a local ordinance amending timelines consistent with the new statutory provisions cannot be appealed to the Growth Management Hearings Board (GMHB). However, if a local government decides to extend any development review timeline beyond 170 days, then the “safe harbor from GMHB appeals” protection would not apply.

The Association of Washington Cities (AWC) prepared a [helpful, detailed explanation](#) of this new statutory provision.

## What Happens If Permit Review Timelines Are Not Met?

Beginning January 1, 2025, if required local project review timelines are not met, a jurisdiction may be required to refund 10–20% of application review fees unless additional measures have been adopted. After January 1, 2026, if a county or city adopted at least three of the recommended permit actions per [RCW 36.70B.160\(1\)](#) but is not meeting its permitting deadlines at least half of the time since its most recent comprehensive plan update, it will be required to adopt additional measures to expedite permit review — See [RCW 36.70B.160\(2\)\(a\)](#).

## Several Communities Are Actively Reviewing Their Procedures

Quite a few local governments are already actively working to meet the requirements of [SB 5290](#), including but not limited to the cities of [Bellevue](#), [Redmond](#), and [Tacoma](#), and [King](#), [Skagit](#), and [Snohomish](#) counties.

## Conclusion

Having a predictable and consistent set of development review timelines is anticipated to have benefits for both applicants and local government staff. There are other requirements (beyond timelines) related to [SB 5290](#) that will likely require a change to your local procedures and process, so make sure to consult with your legal counsel, review all of the new statutory requirements, and make any desired legislative and procedural changes by the January 1, 2025 deadline.

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## About Steve Butler

Steve joined MRSC in February 2015. He has been involved in most aspects of community planning for over 30 years, both in the public and private sectors. He received a B.A. from St. Lawrence University (Canton, New York) and a M.S. in Urban and Regional Planning from the University of Wisconsin-Madison. Steve has served as president of statewide planning associations in both Washington and Maine, and was elected to the American Institute of Certified Planner's College of Fellows in 2008.

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