



MEDINA, WASHINGTON

AGENDA ITEM 6.1

Wednesday November 6, 2024

Subject: SSSB 5290 Project Permit Procedures and Timelines

Planning Commission Action: Discussion, and Council Recommendation

Public Hearing Required: Yes

Staff Contact: Steven Wilcox, Development Services Director

Title 16 of the Medina Municipal Code (MMC) establishes the City's development regulations. Chapter 16.80 includes procedures and timelines for the review and processing of project permits in accordance with Chapter 36.70B RCW.

Second Substitute Senate Bill 5290 (SSSB 5290) is a Washington State Mandate. Exhibit 4 is a summary by Municipal Research Services Center (MRSC).

In 2023, the Washington State legislature enacted SSSB 5290, which amends certain provisions in Chapter 36.70B RCW relating to the review and processing of project permit applications, including the timelines for issuing decisions on project permits. These amendments will take effect on January 1, 2025, therefore, Medina must update its permit processing chapter for consistency with SSSB 5290 before the end of this calendar year.

The permit processing requirements apply to most, but not all, land use and development permits. MMC 16.12.170 definitions states: "*Project permit or project permit application* means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, conditional/special uses, shoreline permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan, tree removal permits, and right-of-way permits, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations."

Legislative Summary.

The requirements under SSSB 5290 are described below.

The timing requirements for permit processing steps have been changed. Previously, the processing time was 120 days for most permits. However, SSSB 5290 set some faster processing time periods and also some longer processing time periods based on the permit processing needed. The updated requirements are:

Action	Deadline
Notice of Complete/Incomplete (NOC/NOI)	28 calendar days
Resubmittal after NOI	Review and make decision in 14 days
Notice of Application	Must issue 14 days after NOC
Review times from Notice of Complete (NOC)	
Permits without public notice requirements	65 days from NOC
Permits with public notice but no public hearing	100 days from NOC
Permits with public notice <u>and</u> a public hearing	170 days from NOC

In addition to changing the maximum processing times, the legislation also established *how* to “count” the processing time period (also called the “shot clock”).

- Must include every *calendar* day (not just weekdays).
- Clock is stopped for times when the City is requesting information/revisions. The clock starts again with the applicant’s submittal of the complete additional information
- Clock is stopped for times when applicant has requested a pause. The clock starts again when the applicant notifies the City to begin processing. (All notices must be in writing and the City can set conditions for temporary suspension of a permit application.)
- Clock is stopped during any period after filing an administrative appeal until the appeal is resolved (plus any additional time period provided by the appeal).
- Shot clock goes back to Day 1 if the application proposes:
 - A change of use
 - Adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of completeness for the new use
- If the applicant suspends the application for more than 60 days (in writing) or the applicant has been non-responsive for more than 60 consecutive days after the City

has sent a request for more information. In such case an addition 30 days is added to the shot clock to issue a final decision.

There is nothing in the legislation that would prohibit the City and an applicant from agreeing to extend processing time periods. RCW 36.70B.080(3).

The new legislation also clarified that the City cannot mandate pre-application meetings.

Some types of permits are excluded from the “shot clock” such as Comp Plan amendments. In addition, the City can set forth other exempt permits. The proposed ordinance excludes the following types of permits. This exemption is found in revised MMC 16.80.030(A):

1. Landmark designations;
2. Street and utility property vacations;
3. Development agreements; and
4. Legislative actions, such as those set forth in Chapters 16.81 through 16.83 MMC. (Note: This includes text code amendments, area-wide zoning map amendments, and comprehensive plan amendments.)

If a city doesn't meet processing deadlines, a portion of the permit fee must be refunded as follows:

- 10% if the final decision was made after the deadline but does not exceed 20% of the original time period; or
- 20% if the final decision issuance exceeded 20% of the original time period.

There are exceptions to this refund requirement if the City adopts or utilizes three or more of the practices that are set forth in RCW 36.70B.160(1)(a)-(j). These practices are primarily administrative in nature and therefore, are not addressed in the ordinance in front of the Planning Commission.

Additional Revisions to Chapter 16.80 MMC.

In addition to updating Chapter 16.80 MMC for consistency with SSSB 5290, the code was “cleaned up” to make the processing steps match the City's internal procedures. This primarily changed Type 1 decisions where there is no requirement for a Notice of Decision.

MMC 16.80.060 was amended regarding meetings prior to application. In addition to clarifying the pre-application meetings are not mandatory, the City has also created a new type of meeting called a “development information meeting.” This is for the purpose of meeting with prospective purchasers of property or real estate professionals. Many of these types of meetings were requested as “pre-application meetings” but the individual

requesting them were not owners or agents of owners. Therefore, this new category was created and a fee for such meeting will be set by Council resolution. The “Intake Meeting” was stricken from the code since intake is now done electronically.

Next Steps.

The Planning Commission is requested to approve the proposed amendments to the Medina Municipal Code Sections 16.80.030, 16.80.050, 16.80.090, 16.80.100, 16.80.120, 16.80.130, 16.80.210, 16.80.220 and 16.80.240 to bring the City’s code into compliance with SSSB 5290 by January 1, 2025. Upon receiving the Planning Commission's approval, the proposal will be presented to the Council on December 9, 2024 for final approval to meet this deadline. This amendment proposal is anticipated to be on the Council Consent Agenda.

Attachments

Exhibit 1, Draft Ordinance with proposed amendments underlined.

Exhibit 2, Draft Ordinance with proposed amendments highlighted.

Exhibit 3, Existing Medina Municipal Code Sections for comparison.

Exhibit 4, MRSC Summary.

Proposed Planning Commission Motion:

“I move to direct staff to forward the draft Project Permit Procedures and Timelines amending MMC 16.80, to the City Council for their review and approval.”