

CITY COUNCIL WORKSHOP MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

November 19, 2024 - 6:00 PM

In Person: The Mill, Sawyers Room, 1808 Main Street, Lake Stevens
or Join Zoom Meeting: <https://lakestevenswa.zoom.us/j/81758676793>
or call in at (253) 215-8782 Meeting ID 81758676793

1. **Call to Order**
2. **Guest Business**
 - A. Webelos Cub Scout Den-Pack 41 Anji Jorstad
3. **City Department Report**
 - A. Facility Condition Assessment Lori Erickson
 - B. Public Works Department Report Aaron Halverson
 - C. Human Resources Department Anya Warrington
 - D. 3rd Quarter Report and 2025 Work Program Christi Schmidt
4. **Discussion Items**
 - A. Interim Ordinance to Comply with SB 5290 David Levitan
5. **Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.

CITY DEPARTMENT REPORT



Agenda Date: 11/19/2024

Contact Person/Department: Lori Erickson, Public Works

The City contracted with AtkinsRealis in June 2024 to conduct a Facility Condition Assessment and to collect facility asset data for 19 of the City's facilities. The Facility Condition Assessment included the assessment of major facility systems (both internal and external), including but not limited to HVAC systems, roofing systems, plumbing and electrical systems, etc. AtkinsRealis drafted a 10-year strategic plan for maintaining these facilities, including recommendations for how to efficiently procure specific repairs and improvements. This presentation will cover the findings and recommendations for the City to consider.

DEPARTMENT REPORT



Public Works Department

DATE: November 19, 2024

TO: Mayor and City Council

FROM: Aaron Halverson, Public Works Director

SUBJECT: Responses to Questions from the Council and Updates

The purpose of this report is to answer questions received during previous Council meetings that were not answered or to clarify information previously provided.

1. What is the status of the Developer Extension Agreement with the Lake Stevens Sewer District for the 131st Ave NE Infrastructure Improvements Project?

Public Works met with the City's legal counsel on November 13th to review comments received from the Sewer District on the draft Developer Extension Agreement. After discussion, it appears that an Interlocal Agreement would be a better mechanism for this project. An ILA would create cost-sharing provisions for the City to deliver this project in alignment with the Sewer District's Capital Improvement Plan.

Lake Stevens Sewer District
General Sewer/Wastewater Facility Plan

Capital Improvement Plan

9/12/2024

Capital Improvement Project	ID	Proposed Funding Source	Estimated Year of Completion	Estimated Total Project Cost	Estimated District Contribution	Description	Status
Nutrient Reduction Evaluation	WWTF	Capital	2025	\$200,000	\$200,000	Evaluate alternatives to meet 3 mg/L TIN per requirements of Nutrient Permit	Completed
131st Avenue NE	ES-B	Capital	2025	\$1,020,000	\$1,020,000	Construct 1,400 LF 8" gravity	NOT STARTED; DEA drafted

DEPARTMENT REPORT



Human Resources Department

DATE: November 19, 2024
 TO: Mayor and City Council
 FROM: Anya Warrington, HR Director
 SUBJECT: Comparable Cities Update

At the Council Retreat in September, a follow-up item was to bring back updated comparable city statistics in regard to how the City of Lake Stevens compares in population, assessed value and sales tax revenue. We periodically use this information for various topics including, but not limited to, compensation studies, bargaining, policy/code review and organizational structure.

The method used to sort cities within Washington is listed in the table below. Historically, the City of Lake Stevens has used the top 3 sorting methods. Recently there have been questions how we compare in sales tax, which has been added as a 4th potential sort.

1st sort:	Population +/- 50%
2nd sort:	Assessed Value +/- 50%
3rd sort:	Within 50 Miles
4th sort:	Sales Tax +/- 50%

The following is a breakdown of each sort:

POPULATION (April 1st estimates as of July 30, 2024)			
Lake Stevens			41,540
	+50%		62,310
	-50%		20,770

City	County	Population
Monroe	Snohomish	20,830
Ellensburg	Kittitas	20,970
Mukilteo	Snohomish	21,590
Mill Creek	Snohomish	21,630
Covington	King	22,000
Battle Ground	Clark	22,470
Tukwila	King	22,930
Arlington	Snohomish	22,980

Bonney Lake	Pierce	23,320
Mountlake Terrace	Snohomish	24,260
Kenmore	King	24,350
Oak Harbor	Island	24,900
Bainbridge Island	Kitsap	25,330
Mercer Island	King	25,830
Moses Lake	Grant	27,070
Tumwater	Thurston	27,470
Camas	Clark	27,660
Maple Valley	King	29,320
SeaTac	King	32,710
Des Moines	King	33,400
Pullman	Whitman	33,680
Walla Walla	Walla Walla	34,580
Mount Vernon	Skagit	35,800
University Place	Pierce	35,970
Wenatchee	Chelan	36,040
Longview	Cowlitz	38,230
Issaquah	King	41,500
Lynnwood	Snohomish	41,500
Lake Stevens	Snohomish	41,540
Puyallup	Pierce	43,410
Edmonds	Snohomish	43,420
Bremerton	Kitsap	45,390
Bothell	King/Snohomish	50,670
Burien	King	53,000
Olympia	Thurston	57,450
Lacey	Thurston	60,210
Shoreline	King	61,910

ASSESSED VALUE (updated May 1, 2024)		
Lake Stevens		8,680,217,564
	+50%	13,020,326,346
	-50%	4,340,108,782

City	County	Population	Assessed Value
Covington	King	22,000	4,481,847,476
Monroe	Snohomish	20,830	4,589,831,362

Arlington	Snohomish	22,980	4,661,168,055
Bonney Lake	Pierce	23,320	4,860,581,629
Longview	Cowlitz	38,230	4,886,772,404
Wenatchee	Chelan	36,040	5,132,365,419
Mountlake Terrace	Snohomish	24,260	5,278,537,267
Mount Vernon	Skagit	35,800	5,457,245,121
Bremerton	Kitsap	45,390	5,968,334,554
Tumwater	Thurston	27,470	6,240,953,641
Des Moines	King	33,400	6,440,464,459
Mill Creek	Snohomish	21,630	6,772,572,421
Maple Valley	King	29,320	6,937,540,849
University Place	Pierce	35,970	7,081,173,954
Camas	Clark	27,660	7,276,498,632
Mukilteo	Snohomish	21,590	7,512,278,229
SeaTac	King	32,710	7,886,236,833
Kenmore	King	24,350	8,131,404,954
Lake Stevens	Snohomish	41,540	8,680,217,564
Tukwila	King	22,930	9,005,135,130
Puyallup	Pierce	43,410	10,001,391,630
Burien	King	53,000	10,351,743,599
Lynnwood	Snohomish	41,500	10,363,142,479
Olympia	Thurston	57,450	11,688,222,938
Lacey	Thurston	60,210	12,539,555,660

Bainbridge Island	Kitsap	25,330	12,831,253,642
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DISTANCE
Within 50 miles of Lake Stevens

City	County	Miles
Monroe	Snohomish	11.83
Mukilteo	Snohomish	12.22
Mill Creek	Snohomish	12.55
Arlington	Snohomish	13.01
Lynnwood	Snohomish	17.14
Mountlake Terrace	Snohomish	19.09
Kenmore	King	19.69
Mount Vernon	Skagit	30.73
Bainbridge Island	Kitsap	34.29
Tukwila	King	38.37
Burien	King	39.88
Bremerton	Kitsap	40.75
SeaTac	King	41.02
Des Moines	King	44.08
Maple Valley	King	44.77
Covington	King	44.92

Sales Tax (updated April 10, 2024)			
Lake Stevens			6,866,611
		+50%	10,299,917
		-50%	3,433,306

City	County	Population	Assessed Value	Sales Tax
Mukilteo	Snohomish	21,590	7,512,278,229	3,510,966
Kenmore	King	24,350	8,131,404,954	3,640,973
Mountlake Terrace	Snohomish	24,260	5,278,537,267	3,947,884
Mill Creek	Snohomish	21,630	6,772,572,421	4,084,394
Des Moines	King	33,400	6,440,464,459	4,338,457

Maple Valley	King	29,320	6,937,540,849	4,868,133
Covington	King	22,000	4,481,847,476	6,054,115
Monroe	Snohomish	20,830	4,589,831,362	6,825,065
Bainbridge Island	Kitsap	25,330	12,831,253,642	6,833,021
Lake Stevens	Snohomish	41,540	8,680,217,564	6,866,611
Arlington	Snohomish	22,980	4,661,168,055	8,176,953
Mount Vernon	Skagit	35,800	5,457,245,121	9,981,276
Burien	King	53,000	10,351,743,599	10,234,335 ⁱ

A practice tip from MRSC:

“There is rarely an "apples to apples" comparison between jurisdictions. For instance, some cities provide their own fire and library services while other cities are annexed to fire districts and/or library districts, which shifts some taxing authority from the city to the fire/library district. This can result in a significantly lower levy rate for the city, even though the total tax burden on property owners might be similar.

Some jurisdictions have relatively few retail sales and rely heavily on property tax revenues, while others generate more revenue from sales taxes than property taxes.

And some cities and counties have rapidly increasing property values, which can result in steadily decreasing levy rates due to the 1% levy limit (unless the jurisdiction submits a levy lid lift to voters), while other jurisdictions have relatively stable or even decreasing property values.”

ⁱ The source of the information in this document was obtained by Municipal Research and Services Center. [MRSC - Tax and Population Data](#)

CITY DEPARTMENT REPORT



Agenda Date: 11/19/2024

Contact Person/Department: Christi Schmidt, Community Development

Each year, staff develops a Long-Range Planning Work Program that is reviewed and approved by City Council and includes items such as Comprehensive Plan amendments, development code amendments, annexations and other long-range planning projects. The purpose of this report is to look the progress that has been made on the 2024 work program and what items need to be carried over into 2025. The draft 2025 work program is made up primarily of the Planning Commission's and department's (PCD's) proposed long-range work plan (Attachment 1). Dates identified in the work program are subject to change, depending on feedback from the Planning Commission and City Council that may result in additional research, workshops or committees. On November 6, 2024 the Planning Commission was presented the 2025 Long-Range Work Program and had no substantial changes. The Staff is currently working with the City Clerk to identify a date in early 2025 for a joint meeting with City Council to discuss the work program and accomplishments.

In addition to the long-range work program, PCD is also responsible for current planning and building projects. This includes processing an average (two year 2022-2023) of 200 land use development applications, 1,073 building permits and 53 active code enforcement complaints and 153 active cases as well as working on economic development projects and responding to public record requests. Business licenses approvals for 2024 year to date is a total of 296. Large scale internal projects for 2025 include website updates, code process updates to all forms, implementation of new fees and file migration software of all department files.

3rd Quarter Report

The third quarter ended on September 30, 2024 and staff reviewed the following number of permits as shown below and in Attachment 2.

Number of Permits	Permit Type
589	Total Permits
168	Building
83	Business License
62	Code
12	Events

2024

49	Fire
75	Land Use
47	Pet License
2	Pet Replacement License
89	Right-of-Way Use
2	Sign

*Source Bitco Reporting

In addition to current permitting projects, staff completed several long range work program items as noted in the Attachment 3 – Updated 2024 Long-Range Work Program. Staff spent much of the year working on the 2024 Comprehensive Plan Periodic Update, with a specific emphasis on incorporating new growth targets, climate change and equity provisions. The City Council adopted the Comprehensive Plan on October 22 and staff is currently working on publishing the final version as well as publishing the land use and zoning maps.

For the rest of 2024 and moving into early 2025 staff will focus on implementation tasks including the streets/parking chapters, impact fees and review process.

Planning and Community Development staff is also coordinating discussions of parks and transportation impact fee adjustments with the Parks and Public Works departments, which will start later this year to coincide with adoption of the city budget. In 2025, we will focus on housing, critical areas and industrial area code updates.

Proposed Work Program

The draft 2025 work plan (Attachment 3) has been restructured to combine carry-over items with mandatory updates to comply with state law and for consistency with recent changes to the Comprehensive Plan as adopted by the City Council on October 22, 2024.

- **Process Code Update** – The Process Code update aims to streamline the processes identified in Chapter 14.16A and 14.16B along with a comprehensive review of processing requirements found throughout titles 14, 16 and 17. This project will consist of two sub-phases.
 - The first phase focuses on adopting review time frames and improving/consolidating existing code language to comply with SB 5290 (permitting processes), which become effective on January 1, 2025. Staff is proposing adoption of an interim ordinance by the City Council in December 2024; a public hearing within 60 days of that ordinance; and development of a work plan that outlines the remainder of the process code update project, as required by state law.

- The second phase addresses recent state legislation such HB 1293 (design review), which becomes effective on June 1, 2025, along with an extensive audit of process and decision-making language throughout the municipal code.
- **Streets and Sidewalk, Parking, Concurrency and Subarea Code** – Following the update to the Comprehensive Plan Transportation Element, staff will work with a consultant and the Public Works Department to update Chapters 14.38 Subareas, 14.56 Streets, 14.72 Parking, 14.110 Concurrency and 14.112 Traffic Impact Fees concurrently with updates to the city's Engineering Development and Design Standards (EDDS). The goal of the project is to ensure the city's code and standards reflect best practices for design and administration, promote multimodal traffic, ensure appropriate flexibility and are sustainable.
- **Housing Action Plan Implementation** – Staff will evaluate its mixed-use regulations to provide more clarity on topics such as horizontal vs. vertical mixed-use components and review its infill code, including cottage housing to ascertain if adequate housing options are provided for all income levels. Concurrently, we will review incentive options. In addition to work on middle housing, the city must revise its code to comply with updates to the Growth Management Act as amended by HB 1220 (2021) and adopt regulations for permanent supportive housing (PSH) and emergency housing. The city will also update its temporary encampment regulations in Chapter 14.
- **Lake Stevens Industrial Center Implementation**– Staff has identified several potential updates to various sections of the code to implement the analysis completed in 2023 for the Lake Stevens Industrial Center (LSIC). The code industrial code updates will include public/owner outreach and participation along with subcommittee(s) to determine what the new industrial zoning and design standards will be to implement Lake Stevens Industrial Center Analysis.
 - As an interim step, staff will issue a code interpretation on allowed uses and bulk regulations found in Chapters 14.40 and 14.48.to clarify revised land use and zoning map regulations following the adoption of the Comprehensive Plan to consolidate the industrial land use and zoning designations.
- **Critical Area Regulations (CAR) Update** – Mandatory update of Chapter 14.88 to ensure our critical areas regulations comply with approved state law (RCW 36.70A.172) and associated federal standards for wetlands, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas and critical aquifers with consultant support. As a related project, we will update our critical areas inventory map as resources allow.
- **Park Impact Fee Review** – Following adoption of a revised Parks, Recreation and Open Space Plan, staff will work with the Parks and Recreation Department

to update Chapter 14.120, which governs how impacts and park mitigation fees are calculated.

Comprehensive Plan

- **2025 Docket and Parks and Recreation and Open Space Element Updates** - Process citizen and city-initiated docket requests. As part of the 2025 docket, revisions to the Capital Facilities Element will occur and a major update to the Parks, Recreation and Open Space Element will take place leading to a Parks, Recreation and Open Space Plan.
- **Utilities Element/Sewer Plan Update** – This is a placeholder project as a future task to revise the public services element and potential code changes to the utilities chapter.

Annexations and Miscellaneous Projects

- **Annexations** – The city will continue to review and process annexation petitions from individual property owners, and work with the City Council to identify a strategy and timeline for annexing the remaining areas of its UGA. There are three remaining areas of UGA (SR 92, 12th St NE, and south of 20th St SE) which the city may consider for annexation.

Miscellaneous Projects

- **Other Miscellaneous Items** – Staff will continue to participate in regional planning efforts such as Snohomish County Tomorrow (SCT) and the Alliance for Housing Affordability (AHA), as well as undertake economic development efforts as well as continue the sales and development of city owned properties.

Staff is ready to discuss any of the work plan items. It should be noted, the work plan is subject to change and may be adjusted if the city receives citizen-initiated code amendments that the City Council may want to consider, or other code changes initiated by the city in response to case law or legislative changes. As noted, staff is working to schedule a joint meeting with the City Council in January 2025 to discuss the work program, with the City Council expected to approve the work program later in the month.

ATTACHMENTS

Attachment 1 – Draft 2025 Long-Range Planning Work Program

Attachment 2 – Third Quarter Permit Statistics

Attachment 3 – Third Quarter Status of 2024 Long-Range Work Program



One Community Around the Lake

Lake Stevens 2025 Long Range Work Program – Project Status					
Amendment Type	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
Zoning Code and Comprehensive Plan Zoning Code Implementation Projects					
1. Process Code Update - Phase II (Chapters 14.16A, 14.16B, etc.) <i>Adopt Interim Ordinance for SB 5290 timelines w/a work program to be adopted by City Council by December 2024.</i> <i>Comprehensive Process code update to include interim measures, design review and other elements to comply with HB 1293 compliance.</i>	PC/CC	PC/CC	PC/CC		Code updates to streamline the permit review process and design review code to include only “clear and objective standards” in accordance with new state law by January 1 and June 1, 2025.
2. Streets and Sidewalk, Parking, Concurrency, and Subarea Code • Chapter 14.38 LSMC • Chapter 14.56 LSMC • Chapter 14.72 LSMC • Chapter 14.110 LSMC • Chapter 14.112 LSMC • Engineering Design and Development Standards	PC/CC	PC/CC	PC/CC		Update street related codes to reflect transportation analysis, including multi-modal uses following the Comprehensive Plan. Concurrently, the city will update its EDDS.
3. LS Industrial Center Code Implementation (Various Sections) <i>Staff will issue a code interpretation on allowed uses and bulk regulations found in Chapters 14.40 and 14.48 to clarify revised land use and zoning map regulations as an interim step.</i> <i>Code update will start in 2nd quarter 2025 with consultant assistance.</i>		PC/CC	PC/CC	PC/CC	Code updates to implement Lake Stevens Industrial Center Analysis. Develop Industrial Zone and industrial center design standards. Public and Owner outreach and participation.
4. Housing Action Plan Implementation (Various Sections) <i>This amendment will consider the infill code / cottage housing, supportive / emergency housing, temporary encampments, mixed-use rules and related code updates.</i>			PC/CC	PC/CC	Update the city’s various housing; regulations to meet the requirements of HB 1220.

5. Critical Area Regulations (CAR) <i>Update Chapter 14.88 Critical Areas to ensure best available science is followed and adopt regulations for Critical Aquifer Resource Areas with consultant support.</i>			PC/CC	PC/CC	Mandatory update of Chapter 14.88 to ensure our regulations comply with approved state and federal standards for wetlands, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas and critical aquifers
6. Park Impact Fees (Chapter 14.120) <i>Project will follow completion of revised Parks and Recreation Element of the Comprehensive Plan</i>					Staff will coordinate with the Parks and Recreation Department to update Parks Impact Fees in Chapter 14.120, including methodology and exemptions.
Comprehensive Plan					
7. 2025 Comprehensive Plan Docket <i>As part of the 2025 docket, revisions to the Capital Facilities Element will occur and a major update to the Parks, Recreation and Open Space Element will take place leading to a Parks, Recreation and Open Space Plan</i>	PC / CC	PC / CC	PC / CC	PC/CC	Process citizen and city-initiated docket requests, including updates and public engagement for the Parks and Recreation Element that must be adopted by December 2025.
8. Subarea Plan Update	PC / CC	PC / CC	PC / CC	PC / CC	Update the subarea plans (3) and remove the capital projects out of the plans.
9. Utilities Element / Sewer Plan Update. Place Holder.	TBD. Timeline likely 12-18 months, carrying forward into 2025.				Future task to revise public services element and potential code changes to the utilities chapter.



Annexations		
10. Explore Annexation of remaining portions of UGA	TBD - 2025	There are three remaining areas of UGA (SR 92, 12th St NE, and south of 20th St SE) which the city may consider for annexation.
11. Petition Placeholder	TBD	Process citizen-initiated annexations as requested
Miscellaneous		
12. Snohomish County Tomorrow / TAC / Alliance for Affordable Housing	Continue participation in SCT, TAC and AHA – report out to PC and Council on actions	
13. Economic Development Marketing Materials	Ongoing	
14. Sale and development of city properties	Ongoing	

*General Schedule – subject to change based on staffing and funding availability.

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December

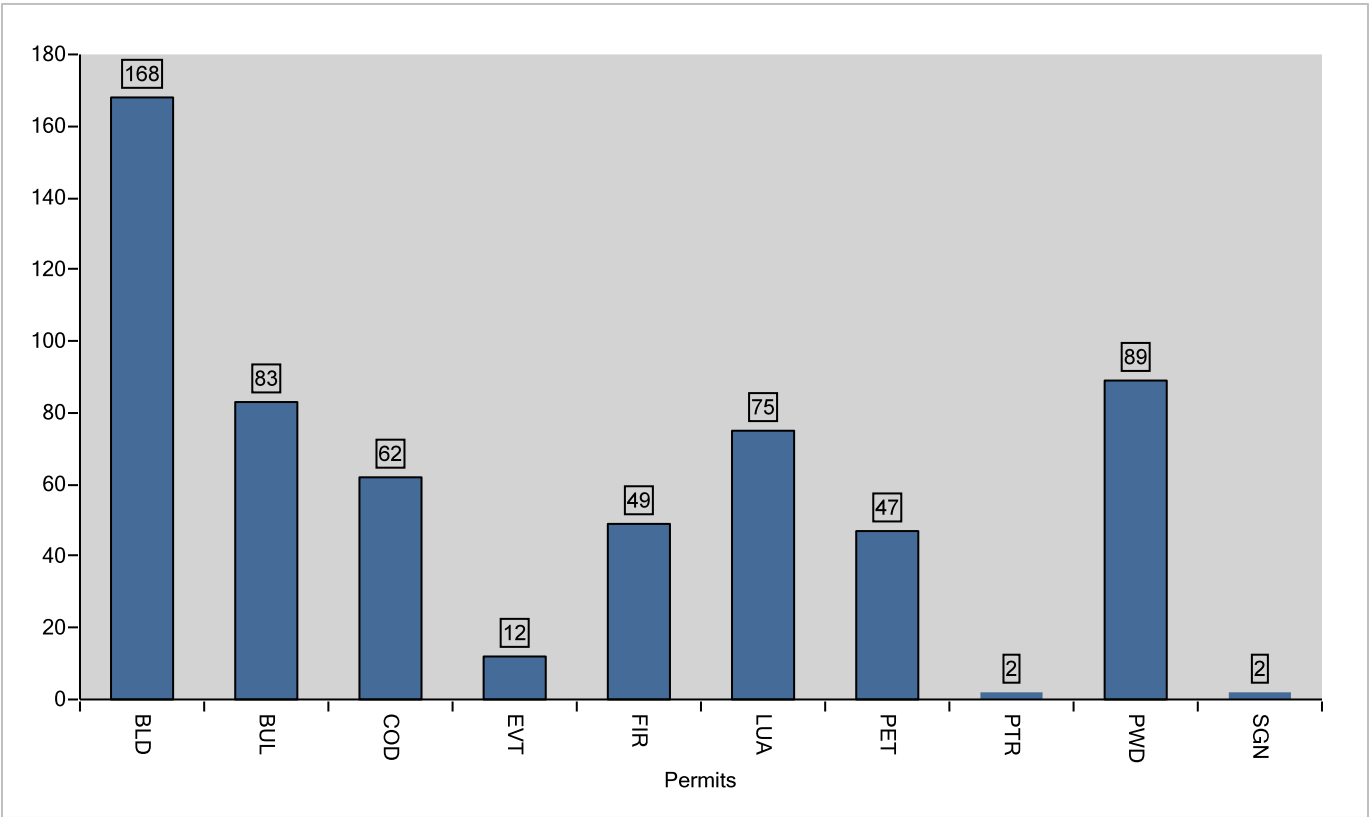


Permit Summary

11/13/2024 8:38:19 AM

Attachment 2

Permits from 07/01/2024 to 09/30/2024



Description	07/01/2024 - 09/30/2024	%	07/01/2023 - 09/30/2023
Total Permits:	589	2.5%	574
Review Comments:	1789 (975.90 hrs)	30.5%	1244 (702.67 hrs)
Inspection Comments:	3109 (999.40 hrs)	23.1%	2392 (581.75 hrs)
Total Scheduled Inspections:	3835	45.8%	2077
Active Permits:	17099		

* Business licenses processed/approved by the city in the third quarter through the DOR system is 81 and year to date is 296.



One Community Around the Lake

Lake Stevens 2024 Long Range Work Program – Project Status					
Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
<i>General Zoning Code</i>					
1. Code Clean Up (Various Sections)	PC/CC				Complete – Ordinance 1179
2. Process Code Update 14.16A and 14.16B – Phase 1	CC				Complete – Ordinance 1179
3. Solicitors License Update – Chapter 4.04		<u>CC</u>			Complete – Ordinance No.1185
4. Building Code Update (14.80)	CC				Complete – Ordinance 1160
5. Mixed-use Code Update (14.36 and others) Will start in 2025 with housing code updates			<u>PC/CC</u>	<u>PC/CC</u>	Review the city's mixed-use regulations, within subareas and designated mixed-use zoning districts.
<i>Comprehensive Plan Zoning Code Implementation</i>					
6. Streets and Sidewalk Code (14.56 and others) Consultant selected / work will start in 4th quarter			<u>PC/CC</u>	PC/CC	Update streets code to reflect transportation analysis, including multi-modal uses following the Comprehensive Plan. Concurrently, the city will update its EDDS.
7. LS Industrial Center Code Implementation (Various Sections) Will start in 2025 after comprehensive plan update is complete. City proposes to hire a consultant to assist.			<u>PC/CC</u>	<u>PC/CC</u>	Code updates to implement Lake Stevens Industrial Center Analysis.



One Community Around the Lake

Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
8. Design Review (Various Sections) Combine with process code update as a clean-up item			<u>PC/CC</u>	PC/CC	Update design review code language to include only “clear and objective standards”, as required by HB 1293. Complete by June 2025.
9. Process Code Update Phase II (14.16A and 14.16B) Start in 4th Quarter of 2024 and complete in 2025			<u>PC/CC</u>	<u>PC/CC</u>	Code updates to the city’s review process to improve and streamline permit review in accordance with new state law timelines as well as HB 1293 and SB 5290.
10. Housing Action Plan Implementation (Various Sections) On-hold until comp plan is complete – start in 2025			<u>PC/CC</u>	<u>PC/CC</u>	Update infill code and address HB 1220 requirements for permanent supportive housing (PSH) and emergency housing. Update temporary encampment regulations. Revisit Mixed-Use, cottage housing (revise/or delete) and the infill section.
11. Park Impact Fees (14.120) Start in 4th Quarter of 2025	TBD following Comp Plan adoption. Will coordinate with Park Department				Update Parks Impact Fees, including methodology and exemptions.
12. Transportation Impact Fees (14.112) Start in 4th Quarter of 2025	TBD following Comp Plan adoption will coordination with Public Works				Add in fees, TIZ, Active transportation.



One Community Around the Lake

Comprehensive Plan					
1. 2024 Periodic Update (All Elements)	PC / CC	PC / CC	PC / CC	PC/CC	Complete – Ordinance 1188
2. Transportation Analysis	PC / CC	PC / CC	PC / CC	PC/CC	Complete
3. Utilities Element / Sewer Plan Update	TBD. Timeline likely 12-18 months, carrying forward into 2025.				Implementation task for merger with sewer district
Annexations					
1. Explore Annexation of remaining portions of UGA	TBD - 2025			There are three remaining areas of UGA (Hwy 92, 12th St NE, and south of 20th St SE) which the city may consider for annexation.	
2. Petition Placeholder	TBD			Process citizen-initiated annexations as requested	
Miscellaneous					
1. Snohomish County Tomorrow / TAC / Alliance for Affordable Housing	Continue participation in SCT, TAC and AHA – report out to PC and Council on actions				
2. Economic Development Marketing Materials	Ongoing				

General Schedule – subject to change based on staff and funding availability.

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December



One Community Around The Lake

2025 Work Program

November 19, 2024
City Council Workshop

Overview

- Current Work Program Highlights
- Third Quarter Statistics and 2024 Work Program Update
- 2025 Long-Range Work Program Details



Current Project Work Program (Highlights)

- 200 Land Use applications
- 1,073 Building Permits
- 53 Active Code Enforcement Complaints
- 153 Active Code Enforcement Cases



Current Project Work Program (Highlights)

- Economic Development
- Public Records
- Website Updates
- Process Code Updates to all forms
- New Fees
- File Migration Software
- Business and Solicitor Licenses



Third Quarter Statistics

We had 2.5% more permit applications for third quarter 2024 than in third quarter 2023.

*July 1 to September 30th

Number of Permits	Permit Type
589	Total Permits
168	Building
83	Business License
62	Code
12	Events
49	Fire
75	Land Use
47	Pet License
2	Pet Replacement License
89	Right-of-Way Use
2	Sign

Why is the Long-Range Work Program Important

- Defines how our community functions, interacts, looks and feels
- The codes results in how things are built which creates the city's living environment and defines what Lake Stevens "is".



2025 Long-Range Work Program

Process

- **11-6-24 presentation to Planning Commission, plus current project overview**
- **Planning Commission Discussion – no substantial changes**
- **Staff presents to City Council and collects feedback**
- **Planning Commission holds a joint meeting with Council in January 2024 - feedback and 2024 accomplishments**
- **Adjustments as necessary**



2025 Long-Range Work Program

- Restructured to combine carry-over items with mandatory updates to comply with state law and for consistency with recent changes to the Comprehensive Plan as adopted by the City Council on October 22, 2024.



2025 Long-Range Work Program

Four Categories

- Zoning Code and Comprehensive Plan Code Implementation Projects
- Comprehensive Plan
- Annexations
- Miscellaneous

City of Lake Stevens 2024-2044 Comprehensive Plan



City of Lake Stevens
2024 Comprehensive Plan

Zoning Code and Comprehensive Plan Implementation Projects

Lake Stevens 2025 Long Range Work Program – Project Status					
Amendment Type	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
Zoning Code and Comprehensive Plan Zoning Code Implementation Projects					
1. Process Code Update - Phase II (Chapters 14.16A, 14.16B, etc.) <i>Adopt Interim Ordinance for SB 5290 timelines w/a work program to be adopted by City Council by December 2024.</i> <i>Comprehensive Process code update to include interim measures, design review and other elements to comply with HB 1293 compliance.</i>	PC/CC	PC/CC	PC/CC		Code updates to streamline the permit review process and design review code to include only “clear and objective standards” in accordance with new state law by January 1 and June 1, 2025.
2. Streets and Sidewalk, Parking, Concurrency, and Subarea Code - Chapter 14.38 LSMC - Chapter 14.56 LSMC - Chapter 14.72 LSMC - Chapter 14.110 LSMC - Chapter 14.112 LSMC - Engineering Design and Development Standards	PC/CC	PC/CC	PC/CC		Update street related codes to reflect transportation analysis, including multi-modal uses following the Comprehensive Plan. Concurrently, the city will update its EDDS.
3. LS Industrial Center Code Implementation (Various Sections) <i>Staff will issue a code interpretation on allowed uses and bulk regulations found in Chapters 14.40 and 14.48.to clarify revised land use and zoning map regulations as an interim step.</i> <i>Code update will start in 2nd quarter 2025 with consultant assistance.</i>		PC/CC	PC/CC	PC/CC	Code updates to implement Lake Stevens Industrial Center Analysis. Develop Industrial Zone and industrial center design standards. Public and Owner outreach and participation.
4. Housing Action Plan Implementation					

Zoning Code and Comprehensive Plan Implementation Projects

Lake Stevens 2025 Long Range Work Program – Project Status					
Amendment Type	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
<i>Zoning Code and Comprehensive Plan Zoning Code Implementation Projects</i>					
4. Housing Action Plan Implementation (Various Sections) <i>This amendment will consider the infill code / cottage housing, supportive / emergency housing, temporary encampments, mixed-use rules and related code updates.</i>			PC/CC	PC/CC	Update the city's various housing; regulations to meet the requirements of HB 1220.
5. Critical Area Regulations (CAR) <i>Update Chapter 14.88 Critical Areas to ensure best available science is followed and adopt regulations for Critical Aquifer Resource Areas with consultant support.</i>			PC/CC	PC/CC	Mandatory update of Chapter 14.88 to ensure our regulations comply with approved state and federal standards for wetlands, fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas and critical aquifers
6. Park Impact Fees (Chapter 14.120) <i>Project will follow completion of revised Parks and Recreation Element of the Comprehensive Plan</i>					Staff will coordinate with the Parks and Recreation Department to update Parks Impact Fees in Chapter 14.120, including methodology and exemptions.

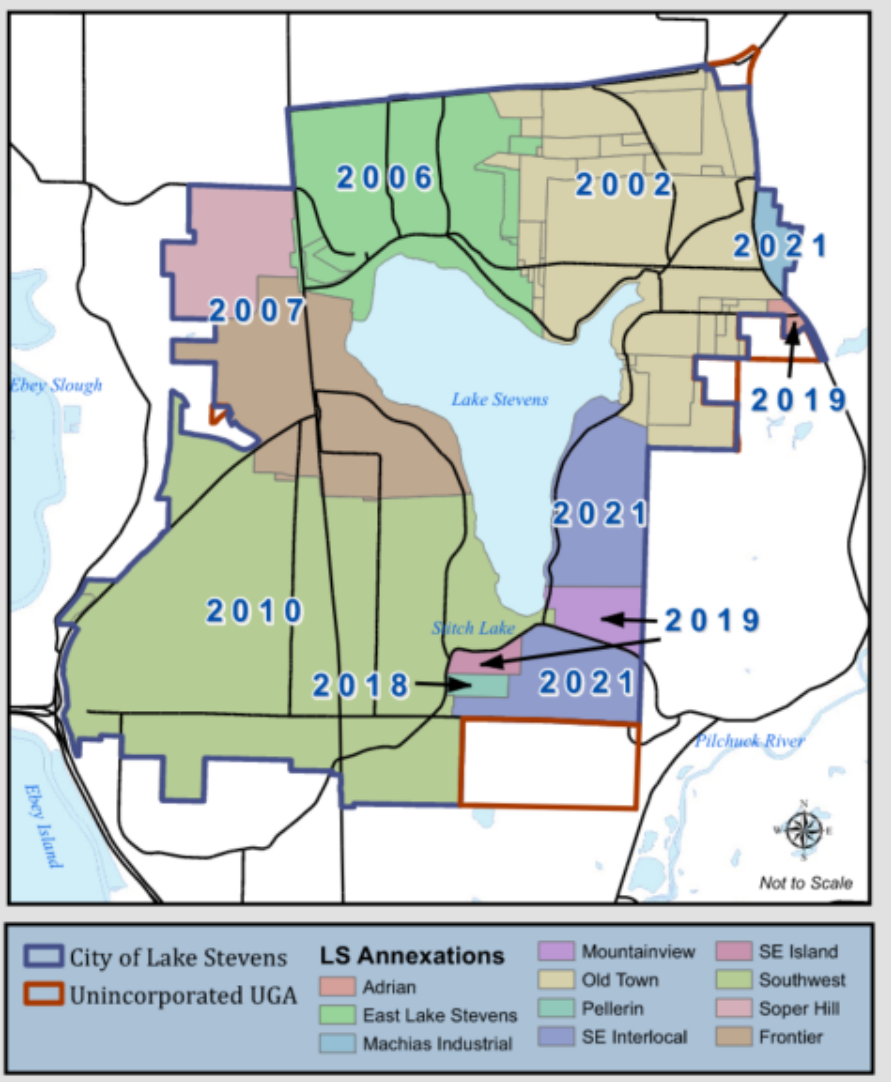
Comprehensive Plan

Comprehensive Plan					
7. 2025 Comprehensive Plan Docket <i>As part of the 2025 docket, revisions to the Capital Facilities Element will occur and a major update to the Parks, Recreation and Open Space Element will take place leading to a Parks, Recreation and Open Space Plan</i>	PC / CC	PC / CC	PC / CC	PC/CC	Process citizen and city-initiated docket requests, including updates and public engagement for the Parks and Recreation Element that must be adopted by December 2025.
8. Subarea Plan Update	PC / CC	PC / CC	PC / CC	PC / CC	Update the subarea plans (3) and remove the capital projects out of the plans.
9. Utilities Element / Sewer Plan Update. Place Holder.	TBD. Timeline likely 12-18 months, carrying forward into 2025.				Future task to revise public services element and potential code changes to the utilities chapter.



Annexations

Annexations		
10. Explore Annexation of remaining portions of UGA	TBD - 2025	There are three remaining areas of UGA (SR 92, 12th St NE, and south of 20th St SE) which the city may consider for annexation.
11. Petition Placeholder	TBD	Process citizen-initiated annexations as requested



Miscellaneous

<i>Miscellaneous</i>	
12. Snohomish County Tomorrow / TAC / Alliance for Affordable Housing	Continue participation in SCT, TAC and AHA – report out to PC and Council on actions
13. Economic Development Marketing Materials	Ongoing
14. Sale and development of city properties	Ongoing



City Council Discussion and Questions

CITY COUNCIL STAFF REPORT



Agenda Date: 11/19/2024

Subject: Interim Ordinance to Comply with SB 5290

Contact Person/Department: David Levitan, Community Development

Budget Impact: N/A

Legal Review: Yes

RECOMMENDATION(S)/ACTION REQUESTED:

No action is required. This is an introductory briefing to discuss an interim ordinance to amend Chapter 14.16A LSMC (Administration and Procedures) to meet the project permit application review time frames and other updated components of the Growth Management Act (GMA) established by SB 5290 (2023) that go into effect on January 1, 2025. Staff is proposing additional amendments to this chapter and related code sections as part of the larger Process Code Update that will come before Council as a permanent ordinance later in 2025. Adoption of the interim ordinance is tentatively scheduled for the Council's December 10, 2024 meeting, with a public hearing required within 60 days of adoption.

SUMMARY/BACKGROUND:

In April 2023, the Washington State Legislature passed several bills that made changes to the Growth Management Act (GMA). These included [Senate Bill \(SB\) 5290](#), which updated local project review timelines in an effort to provide a more consistent and reliable local permit review process. Staff previously discussed this with City Council during an introduction to potential amendments to the city's Process Code (Chapters 14.16A and 14.16B LSMC) at the Council's [November 14, 2023 meeting](#).

SB 5290 includes several components (see FAQ in Attachment 1), several of which become effective on January 1, 2025 and require local jurisdictions to update their development codes to maintain compliance. These include:

- Clarifying the determination of completeness procedural requirements for project permit applications, which must be based solely on those included on the permit application.
- Revising the current 120-day review period for issuing permit decisions to reflect a new tiered approach:
 1. 65 days for permit applications that don't require public notice (Type I permits, such as shoreline exemptions and short-term rentals)
 2. 100 days for permit applications that require public notice but no public hearing (Type II applications such as shoreline substantial development permits and major land disturbances)
 3. 170 days for permit applications that require public notice and a public hearing (Type III-V applications such as shoreline variances and conditional uses)

Given the January 1, 2025 effective date of these requirements, staff is proposing the adoption of an interim ordinance (as authorized under [RCW 36.70A.390](#)) to provide local code language that is consistent with SB 5290. Interim ordinances allow cities to update their development code without a public hearing so long as they hold a public hearing within 60 days of the adoption of the interim ordinance (currently proposed for December 10, 2024). Interim ordinances are effective for up to six months, but that period can be extended to one year if a work plan is developed.

City staff will be developing a work plan as part of the larger Process Code Update and will hold several work sessions with the Planning Commission and City Council in advance of the required public hearings for the permanent ordinance. In addition to the sections addressed in the draft interim ordinance language (Attachment 2), the city must address topics such as the consolidated review process for proposals with multiple applications and address permit monitoring and reporting requirements established in SB 5290.

Staff is available to answer any questions from councilmembers in advance of the proposed December 10 adoption of the interim ordinance.

APPLICABLE CITY POLICIES:

Updates to the city's development code to comply with the Growth Management Act are consistent with multiple goals and policies included in the city's comprehensive plan.

ATTACHMENTS:

1. Attachment 1 - SB 5290 FAQ
2. Attachment 2 - Interim Ordinance 1192 Draft Code Language

2SSB 5290

Frequently Asked Questions



SENTATE BILL 5290
FREQUENTLY ASKED
QUESTIONS (FAQ)

Introduction

New legislation passed in 2023, 2SSB 5290, made a number of changes to Chapter 36.70B RCW that affect how local governments process applications for project permits, including changes affecting the amount of time allowed to process applications and imposing new requirements to refund application fees when those timelines are not met.

For more background, please see:

- [2SSB 5290 \(2023\) Bill Information Page](#)
- [Chapter 36.70B RCW: Local Project Review](#)
- [Department of Commerce Local Project Review Program](#)
- [MRSC - 2023 Legislative Updates to Modernize and Streamline Local Project Review](#)

Acknowledgments

Washington State Department of Commerce

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- Catherine McCoy, Senior Planner
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Applicability

Who is impacted by the new legislation?

The new legislation modified Chapter 36.70B RCW, which generally applies to all **local governments** (cities, towns, and counties). Notable exceptions:

- The **application processing requirements** primarily found in RCW 36.70B.060-080 and .110-130 (e.g., application consolidation, determination of completeness, time periods for application review, notice of application, and the new fee refund provisions) only apply to [local governments planning under RCW 36.70A.040](#), i.e., not partially planning jurisdictions. RCW 36.70B.150 specifically authorizes those partial-planning jurisdictions to adopt provisions of RCW 36.70B.070-080 and .110-130 if desired.
- The **performance reporting requirements** in RCW 36.70B.080(2) only apply to buildable lands counties and cities within those counties with a population of 20,000 or more.

To what types of permits does the legislation apply? Does it apply to building permits, civils, fire, etc.? Does it apply only to residential permits, or also to non-residential/commercial permits?

The legislation applies to Chapter 36.70B RCW, which itself largely applies to “project permits,” defined in RCW 36.70B.020 as “any land use or environmental permit or license required from a local government for a project action...” The legislation struck “building permits” from the non-exhaustive list of example permits that are project permits, but did not specifically exclude building permits from the definition of “project permit,” so the effect of that deletion is debatable. We recommend you continue to consider building permits (and fire permits, which are issued pursuant to the state building code adoption of the International Fire Code) to be a type of project permit until the Legislature clarifies the law or the Attorney General issues an opinion.

Review Time Periods

For project permit applications submitted after January 1, 2025, revised RCW 36.70B.080(1) modifies the previous across-the-board 120-day time period for review of a project permit application to a sliding scale based on the process required for review of various types of project permit applications. Local governments are allowed and required to “establish and implement time periods for local government actions for each type of project permit application,” but those time periods “should” not exceed the time periods provided in that section:

Project permit type	Time periods
Project permits NOT requiring public notice	65 days
Project permits requiring public notice	100 days
Project permits requiring public notice and a public hearing	170 days

Can a local government amend its code by interim ordinance to adopt the permit review periods required by RCW 36.70B.080?

Nothing in RCW 36.70B or 2SSB 5290 prevents a local government from using an interim ordinance (as authorized under RCW 36.70A.390) to adopt review time periods as required by RCW 36.70B.080.

Newly revised RCW 36.70B.080 becomes effective January 1, 2025. Are applications submitted prior to that date subject to the new review time periods?

No. Applications are not subject to the new review periods until after January 1, 2025. RCW 36.70B.080(1)(f) provides that the default statutory time periods apply if a local government does not adopt an ordinance or resolution modifying them.

Is a jurisdiction required to accept an application (and begin the 28-day period to check completeness) if an applicant fails to provide specific documents that are listed on the application checklist?

The legislation provides no authority to reject an incomplete application without following the 28-day completeness determination process.

Although it is not specified in the legislation, our advice is that a local government that is presented with an obviously incomplete application at intake should (a) advise the applicant of the application's deficiencies and recommend they provide the additional information before submitting, but if the applicant insists, (b) accept the application for intake and respond with a letter documenting its incompleteness within 28 days. Accepting an incomplete application may make processing of the application slower, but will provide the applicant with a due process opportunity to appeal the local government's decision on completeness if they disagree with that determination.

When a local government determines an application is not complete during the initial 28-day review period, how long does the applicant have to respond?

Commerce recommends that local governments adopt development regulations to expire applications when applicants do not respond within specified time periods.

After an application has been determined complete, how do we track the time period for review of the application? What about the time that a local government spends waiting for a response from the applicant?

The review time period for an application is limited by the time period the local government has adopted for that type of application. (Note that per RCW 36.70B.080(1)(e), the local government may adopt special rules to lengthen the applicable time period for circumstances in which the applicant has chosen to consolidate multiple application types.) Starting after the date of completeness, the local government should track calendar days until final decision on the application, but EXCLUDING all of the time periods listed in RCW 36.70B.080(g) and RCW 36.70B.080(3), which includes any time period while the local government is awaiting responsive application from the applicant.

Is a local government required to count days when it is waiting on corrections from an applicant?

No. See RCW 36.70B.080(1)(g)(i).

What is "procedurally complete" and when does the clock start if resubmittals do not provide items required to be procedurally complete?

An application is "procedurally complete" when either:

- "it meets the procedural submission requirements of the local government, as outlined on the project permit application" (RCW 36.70B.070(2)) or
- when it is "deemed" procedurally complete on the 29th day after receiving the application if the local government does not provide a written determination to the applicant that the application is procedurally incomplete (RCW 36.70B.070(4)(a)).

Note that RCW 36.70B.080(1)(b) requires that a local government's development regulations must, for project permits submitted after January 1, 2025, specify the contents of a complete application for each type of permit application. The clock will not start if the resubmittals do not provide the items required to be procedurally complete. The local government has 14 days to review the resubmitted material and provide notification to the applicant on the determination of completeness (RCW 36.70B.070(4)(b)).

Is it up to the local government to decide at what point it is forced to "deny" a permit due to an applicant's failure to respond to a request for more information?

Yes, local government can adopt maximum time periods for responses to requests for more information, after which it may expire the application.

Does the "final decision" on an application occur when an application is approved, or when an appeal is resolved?

"Final decision" as used in RCW 36.70B.080 is not defined in the chapter or related chapters, but is either the local decision, if not administratively appealed, or the local appellate body's decision on appeal. However, note that for the purposes of measuring review time, the time during the appeal and any additional time provided by the appeal is excluded per RCW 36.70B.080(1)(g)(iii).

Can local development regulations exclude from the review time periods the days between application decision and the filing of an appeal?

The days between final decision on the application (exclusive of an appeal) and the filing of an appeal are not explicitly excluded by RCW 36.70B.080(1)(g)(iii), but since the time for appeal itself is excluded, we think it's reasonable to exclude the days before an appeal is filed, by local ordinance, from the review time periods.

Can a local government exclude weekends and holidays from the review time periods?

No, a local government cannot exclude weekends and holidays. "Days" are calendar days. See RCW 36.70B.070(1)(c) and 36.70B.080(1)(g). If the local government needs more time for a permit type, it can adopt a longer time period by adding time measured in calendar days.

Can a local government exclude the time for review by other agencies (e.g., state or federal agencies, or tribes) from the review time periods?

RCW 36.70B.080(1)(a) and (1)(d) provide that the time periods are for “local government action” to review applications, not the action of other agencies. However, the method for calculating the number of countable days in RCW 36.70B.080(1)(g) does not include any exclusion for days an application is pending review by an outside agency.

We think local governments should attempt to have application review by other agencies occur concurrently with local government review to the maximum extent possible.

As an alternative, local government could utilize RCW 36.70B.140 to exclude permit types that require lengthy outside-agency review from the process requirements altogether.

RCW 36.70B.080(3) allows a local government to extend the time period for review of an application when an applicant and the local government mutually agree to extend the time period for decision. What should those agreements look like?

Local government may determine how such agreements are written. They should be agreed to by the applicant and a local government representative with authority to sign such an agreement and specify a fixed reasonable time period for extension.

Can a local government require pre-requisites to an application (e.g., septic permits, road access permits, water review) before an application may be submitted?

A local government may adopt rules for processing and sequencing applications, but those rules must be consistent with the requirement in RCW 36.70B.120 to offer a consolidated permit review process. Note that RCW 36.70B.080(1)(e) allows a local government to prescribe how time periods for review of consolidated applications may differ from time periods for review of the underlying permit application.

Can a local ordinance exempt certain project types from the required review time periods?

Per RCW 36.70B.140, a local government may exclude from the statutory default time periods or other process requirements certain specified types of project permits or others that “local government by ordinance or resolution has determined present special circumstances.”

If a local ordinance establishes review time periods greater than 170 days or creates “review processes” that deviate from the statute, would that ordinance be subject to appeal under GMA?

Unless otherwise provided, RCW 36.70A.280 provides that adoption of development regulations may be appealed to the Growth Management Hearings Board. RCW 36.70B.080(1)(k) makes an ordinance or resolution adopting local review time periods not subject to such an appeal so long as the resolution or ordinance does not create a review period of more than 170 days for any project permit. RCW 36.70B.080(1)

further provides that whatever time periods are adopted, those time periods “should” not exceed the time periods provided in that section.

For project permit applications that require a decision by the hearing examiner, Planning Commission, or legislative authority, do the review time periods terminate at the department recommendation, or are the time periods meant to include those additional process steps?

The review time periods are measured from the date the application is deemed complete until final decision. Final decision occurs when the notice of decision under RCW 36.70B.130 is issued, if not appealed, or at the conclusion of a local appeal. But see also the exclusion of appeal periods in RCW 36.70B.080(1)(g)(iii).

Do the review time periods apply to review of post-issuance requests for permit revisions?

The time periods do not apply to a permit revisions process, unless it constitutes a new application.

Are pre-application conferences and determinations subject to statutory review time periods?

No. Review time periods are calculated from date of application completeness; by definition an application is not submitted until after a pre-application conference. RCW 36.70B.160 explicitly recognizes and allows pre-application conferences, although it discourages them.

RCW 36.70B.080(1)(i) provides that if applicants suspend review of their project for more than 60 days, then 30 days may be added to the review time period. What if an applicant wants to serially suspend and restart review?

RCW 36.70B.080(1)(i) provides the local government additional time for review if the applicant wants to suspend review of their application. It is not a constraint on local development regulations governing applicant-requested suspensions of review. Local regulations may allow suspension of review, or not, or add constraints on suspensions.

Our local government’s policy is to cancel applications when the applicant is non-responsive for more than 60 days. Does RCW 36.70B.080(1)(i) require us to allow applicants to extend the valid period of their applications beyond 60 days without applicant response or upon applicant request?

No. RCW 36.70B.080(1)(i) affects review time periods by providing the local government additional time for review if the applicant wants to suspend review of their application. It is not a constraint on local development regulations that limit how long applicants have for response.

Under RCW 36.70B.080(1)(i), a local government may add 30 days to the review time period for an application when an applicant is being

“nonresponsive” (defined as not making “demonstrable progress”) for 60 days to requests for additional information. What is the definition of “demonstrable progress”? Can the local government establish this definition by ordinance?

“Demonstrable progress” is not defined in the statute. Local development regulations could reasonably define it.

Per RCW 36.70B.080(1)(i), if an applicant requests a hold on their application for more than 60 days, or if the applicant is nonresponsive for at least 60 consecutive days, then an additional 30 days can be added to the review time. Is the 30 days on a sliding scale? For example, if the applicant requests a hold for 59 days or 119 days, can there be a proportionate amount of 30 days added to the review time?

RCW 36.70B.080(1)(i) permits a local government to add up to 30 days to the review time period when the applicant requests suspension of their application for more than 60 days or when the applicant is nonresponsive for 60 consecutive days. It does not authorize local government to add more than 30 days to the review time period, nor does it authorize the local government to trigger the provision after fewer than 60 days.

If different types of project permits are combined in a single review process, does the longest review time period of the constituent project permit types govern, or is the review time period the sum of the time periods of the constituent project permit types?

Local government development regulations should clearly indicate how time periods and other permit processes are applied when applications are consolidated. RCW 36.70B.080(1)(e) provides that the time period for consolidated review of multiple permit types is to be the longest of the time periods for review of the constituent applications, unless the local government adopts rules providing otherwise.

Per RCW 36.70B.070(4)(b), during initial review of an application, the local government must respond to re-submittals (in response to a determination that the application is not complete) within 14 days. If the local government does not provide a response within 14 days, is the application deemed procedurally complete?

The 14-day time period in this section is a constraint on review of additional information required for completeness that the local government requests after initial submittal and before the 28-day review period ends. Consider the following example:

- On day 0, an applicant submits their application.
- On day 27, the local government finds the application is incomplete and requests additional info.

- On day 50, the applicant responds with more information. The amount of time the applicant has to respond is not limited unless local regulations provide for such a limitation.
- The local government must review the additional information to determine completeness and must notify the applicant if the application is complete or whatever additional information is necessary, within 14 days (in this example, until day 64). RCW 36.70B.070(4)(b). The statute doesn't specify what happens if the local government does not respond to the new information within 14 days. It is likely the Legislature intended, and a court may hold, that the application is automatically deemed procedurally complete after 14 days if the local government does not respond, based on the similar provision in RCW 36.70B.070(4)(a) for the initial 28-day review period.
- The local government has an additional 14 days after the determination of completeness to provide the notice of application (if one is required for the relevant type of project permit). RCW 36.70B.070(4)(c).

Is a jurisdiction required to intake and begin the 28-day completeness period if an applicant has not paid the application fee?

A local government should prescribe in its development regulations the requirements for a complete application. RCW 36.70B.080(1)(b). The contents of a complete application can include fees. A local government that is presented with an application without the correct fees at intake should (a) advise the applicant of the application's deficiencies and recommend they provide the fees before submitting, but if the applicant insists, (b) accept the application for intake and respond with a letter documenting its incompleteness within 28 days. Doing the latter, rather than refusing to accept the application, provides the applicant with a due process opportunity to appeal the Department's decision on fees if they disagree with that determination.

We don't have fees for permit review. Does the legislation require that permit fees be established for permits?

No.

When should applicants pay fees, along the continuum of a completeness check? At intake, in order to process the completeness review?

The legislation does not specify, but it's a reasonable practice to collect at least a base fee at intake. But see also the limitation in RCW 36.70B.080(1)(l): "A local government may provide for the collection of only 80 percent of a permit fee initially, and for the collection of the remaining balance if the permitting time periods are met."

RCW 36.70B.080(1)(l)(i) requires application fee refunds in certain circumstances. Which fees are captured by this provision and must be refunded? Any fees associated with a project? Review fees, re-submittal fees, inspection fees collected when a permit is issued, re-inspection fees, fees for screening/intake to determine procedurally completeness, school impact fees, State and County recording fees, State Building Code Council fees, fees for document or sign sales, investigation fees for work without a

permit, appeal filing fees, fees charged for other agencies, consultant invoices for contract review or special inspection, open space in-lieu fees, affordable housing in-lieu fees, NSF charges?

The bill does not provide any additional specificity, but excluding fees that are not explicitly and specifically permit fees (e.g., impact fees, recording fees, code enforcement fees, third-party review reimbursements, NSF charges, technology surcharges, in-lieu fees) is reasonable.

Adoption of Process Measures

RCW 36.70B.160 requires adoption of at least three measures from the list of ten measures in RCW 36.70B.160(1) to avoid the new fee refund provisions in RCW 36.70B.080(1)(l) that go into effect January 1, 2025.

Are amendments to local development regulations to implement 2SSB 5290 subject to SEPA review?

Such amendments, if they meet the exemption, would be categorically exempt from SEPA review per [WAC 197-11-800](#)(19) for procedural actions:

(19) Procedural actions. The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

(a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

(b) Text amendments resulting in no substantive changes respecting use or modification of the environment.

Per RCW 36.70B.080(1)(k), an ordinance or resolution adopting local review time periods is also not subject to an appeal to the Growth Management Hearings Board so long as the resolution or ordinance does not create a review period of more than 170 days for any project permit.

We are using several of the measures in RCW 36.70B.160 (expedited review, contracts for on-call permitting assistance, etc.) but they are not adopted—they are procedural. Would that meet the standard?

RCW 36.70B.160 says a local government must “adopt” these measures. Those that do not require an ordinance should be adopted by resolution. We recommend the local government adopt a resolution referencing the statute and describing which of the measures it is using. Measures requiring development regulation amendments should be adopted through the local government’s standard process for development regulation amendments.

RCW 36.70B.080(1)(b) provides that a local government’s development regulations must specify content of complete application for each type. Does this mean that the local ordinance must specify all the elements of a procedurally complete application?

Yes.

Per RCW 36.70B.160(2)(a)(i), if a local government adopted at least 3 of the measures more than 5 years ago, it must adopt additional measures from the list. When does the 5-year period begin?

The five-year lookback period begins at the time of the local government's adoption (as opposed to the due date) of its next required periodic comprehensive plan update after January 1, 2026. For example, for King, Kitsap, Pierce, and Snohomish counties (and the cities within those counties), where their periodic update is due in 2024, the five-year lookback period begins at the time of adoption of the local government's 2034 periodic update.

Notably, the requirement to adopt additional measures only applies if the county or city previously adopted three measures (thus avoiding the requirement to refund permit fees) and "is not meeting the permitting deadlines established in RCW 36.70B.080 at least half of the time over the period since its most recent comprehensive plan update under RCW 36.70A.130." RCW 36.70B.160(2)(a)(ii).

Measure (j) requires a local government to offer a "meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections." What length of time must local government give applicants between these letters? Does the three-letter process start over for each item requested?

Local government does not have to provide any particular length of time between letters, and may set deadlines for responses in its development regulations. Additionally, per RCW 36.70B.080(1)(i), when an applicant is unresponsive for 60 consecutive days, the local government may extend the time period for review by up to 30 days.

The three-letter process described in RCW 36.70B.160(1)(j) applies to the entirety of an application; it does not restart when a local government sends a new letter related to a new topic. If a local government has adopted fewer than three of the measures listed in RCW 36.70B.160(1), or three or more measures within the five years prior, why would the mandate to adopt more measures in subsection (2) not apply?

If the local government did not adopt three measures from the list in RCW 36.70B.160(1), the mandate to adopt additional measures will not apply because the local government will be instead subject to the requirements to refund portions of application fees.

If the local government adopted three measures from the list in RCW 36.70B.160(1) less than five years prior, the mandate to adopt additional measures will not apply, apparently because the legislation intended a five-year lookback period to allow the additional measures time to work.

At a high level, the local government has a choice to either be subject to the fee refund requirements, or be protected from the fee refund requirements by achieving the review time periods or by making continuous effort toward that goal.

Per RCW 36.70B.160(2)(a), a local government has to adopt additional measures from the list in subsection (1) at the time of its next comprehensive plan update after January 1, 2026, if it is not meeting application review period targets and certain other circumstances. What is the measurement period for evaluating whether the local government is meeting the targets?

After January 1, 2026, a county or city must adopt additional measures under 160(1) at the time of its next comprehensive plan update under RCW 36.70A.130 if it meets certain circumstances and is not meeting permitting deadlines.

For example, per RCW 36.70A.130, Snohomish, King, Pierce, and Kitsap counties had a Comprehensive Plan deadline of December 31, 2024. Their next periodic updates are due June 30, 2034, which is the first deadline after January 1, 2026. Per RCW 36.70B.160(2)(a)(ii), a local government would need to adopt additional measures if it is not meeting permitting deadlines “at least half the time” over the period between the date of adoption of its 2024 periodic update and the date of its 2034 comprehensive plan update. The five-year period in subsection (2)(a)(i) does not apply to calculation of permit review performance for the purpose of (2)(a)(ii).

Are projects with mutually agreed time periods per RCW 36.70B.080(3) excluded from the calculation of whether the local government is meeting targets per 36.70B.160(2)(a)(ii)?

While that would be a logical exclusion, there is not specific authority in the bill to exclude them from the calculations. We recommend local governments track those applications separately.

The optional measure in RCW 36.70B.160(1)(b) seems to encourage, but explicitly does not require, local government to delete fees for administrative appeals. Yet subsection (2)(a) makes adoption of some of these voluntary measures mandatory if review time periods are not met at least half the time. Which provision controls—8(1)(b) or 8(2)(a)?

RCW 36.70B.160(1)(b) contains an optional measure that a local government may adopt to avoid the fee refund requirements of RCW 36.70B.080(1)(l). Adopting this measure would not allow the local government to charge fees for administrative appeals EXCEPT where otherwise authorized by state law.

RCW 36.70B.160(2)(a)(ii) imposes additional requirements if a local government doesn’t meet the permitting deadlines at least “half of the

time.” Does that apply to the aggregate total of all project permits under the legislation or in some other manner?

We think a reasonable interpretation is that this standard applies not in aggregate, but to the total number of applicable permits.

The optional measure in RCW 36.70B.160(1)(g) encourages a local government to make pre-application conferences voluntary, and subsection (2)(a) eventually requires some of these measures if review time periods are not met for the majority of projects. Yet subsection (3) clarifies that the chapter is not intended to prevent a local government from requiring a preapplication. Which provision supersedes: subsection (2)(a) or (3)?

The new legislation encourages local governments to streamline permit processes by selecting and implementing three measures from a suite of ten, including one making pre-application meetings optional. RCW 36.70B.160(3) clarifies that the chapter does not require a local government to make pre-application conferences optional. The local government could decide to make such pre-application meetings optional as one of the measures it may adopt to avoid the fee refund provisions of RCW 36.70B.160(1)(g), but for the near future, a local government is not required to adopt any measures in RCW 36.70B.160(1). (Although a local government that does not adopt at least three measures becomes subject to the fee refund provisions in RCW 36.70B.080(1)(l) on January 1, 2025. See RCW 36.70B.080(1)(l)(ii).)

Performance Reports

The legislation makes revisions to the performance reporting requirements in RCW 36.70B.080(2). The performance reporting requirements apply only to “buildable lands” counties and the cities of at least 20,000 population within them. Note that metrics and calculations for these performance reports are entirely separate from the calculations required for determining whether fee refunds are required or optional measures must be adopted per RCW 36.70B.160.

The annual performance report requires reporting on permit processes related to multifamily housing. Do building permits for multifamily housing have to meet the new review timelines in RCW 36.70B.080(1)?

The time periods in RCW 36.70B.080(1) apply to “project permits.” While the term “building permits” was struck from a non-exhaustive list of example types of “project permits” in RCW 36.70B.020, the effect of that deletion is debatable and we recommend local governments continue to consider a building permit to be a type of project permit.

Is the local government required to report on all permit types, or only the project types identified in RCW 36.70B.080(2)(b)(ii) for which review time periods are mandated in RCW 36.70B.080(1)(d)?

The local government must report on the total number of decisions for all permit types specified in RCW 36.70B.080(2)(b)(ii). There is no exclusion for permit types that have been excluded from time periods, e.g. by the authority in RCW 36.70B.140.

In RCW 36.70B.080(2)(b)(ii) there is a reference to reporting decisions associated with construction plan review. Since building permits were struck from the definition of project permit, what type of permits is construction plan review referring to?

Based on the context and the important role of housing in this legislation, we believe that “construction plan review” encompasses building permits. The term “building permits” was struck from a non-exhaustive list of example types of “project permits” in RCW 36.70B.020; the effect of that deletion is debatable.

Do projects with mutually agreed time periods per RCW 36.70B.080(3) get reported per RCW 36.70B.080(2)(b)?

A mutually agreed deadline extension for a particular application extends the allowed time period for that application; therefore the refund provision in RCW 36.70B.080(1)(l) would not apply until the mutually agreed time period expires. However, such applications should still be reported under RCW 36.70B.080(2). A local government may identify in their reports which applications have mutually agreed extensions.

In Sec. 7 of the bill, now codified at RCW 36.70B.080, there is a reference in subparagraph (2)(b)(v) and (2)(b)(vi) to “the project types in (2)(a)(ii).” Should that be a reference to (2)(b)(ii)?

Yes. The code reviser has noted this apparent drafting error.

Draft Code Language for Interim Ordinance 1192 – SB 5290 Compliance

14.16A.230 Time Frames for Review.

- (a) Purpose. RCW 36.70B.070 and 36.70B.080 ~~require establish determination of completeness procedural requirements and maximum review~~ time frames ~~be established~~ to ensure that project permit applications are reviewed and processed in a timely and predictable manner. This subsection establishes the time frames and procedures for a determination of completeness and final decision for Type I, II, III, IV or V reviews identified in Tables I4.16A-I and 14.16A-II. No time frames or completeness requirements are established by these statutes for Type ~~I or~~ VI legislative reviews.
- (b) Computing Time. ~~Unless otherwise specified, a~~ All time frames are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time period shall be included; ~~provided, that if it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then it also is excluded and the time period concludes at the end of the next business day.~~ Applications submitted electronically during non-working hours (weekdays from 5 pm – 8 am, weekends, and holidays) shall be considered to have been submitted the following business day.
- (c) ~~Complete Determination of Completeness Process~~ Application Review Time Frame. The following procedures shall be applied to new applications requiring Type I, II, III, IV, or V reviews. Applications requiring Type ~~I or~~ VI review are excluded from this requirement.

(14) An application is considered complete for the purposes of this section when:

(i) it meets the submittal requirements established listed by the Planning Director on the applicable project permit application, including supplemental handouts and checklists; and

(ii) the application fee for the applicable project permit application(s) as listed in the city's current fees resolution has been paid.

(2) and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness signifies that the application is provides sufficient for continued processing information to process. It shall not preclude the Planning Director (or their designee) from requesting additional information or studies either at the time of the Notice of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

(34) Within 28 days after receiving an application, the Planning Director or their designee shall mail, email, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete, and what is necessary to make the application complete. The applicant has 90 days to submit the necessary information to the City.

(i) Type I applications shall not require the issuance of a written determination of completeness and shall be considered complete upon meeting the requirements in subsection (c)(1).

(i) If a Type I application fails to provide information as required in subsection (c)(1), However, a notice of incompleteness shall be issued within 28 days for Type I applications.

(42) If the Planning Director does not provide a written determination within the 28 days, the application shall be ~~deemed~~ considered complete at the end of the twenty-eighth day.

(53) If additional information is needed to make the application complete, the Planning Director shall notify the applicant whether the application is complete or what additional information is necessary within 14 days after an applicant has submitted the information identified by the Planning Director as being needed.

~~(4) An application is complete for purposes of this section when it meets the submittal requirements established by the Planning Director and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Planning Director from requesting additional information or studies either at the time of the Notice of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.~~

(65) To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination of completeness required by subsections (c)(1-5) of this section.

(7) For Type II, III, IV, and V applications, the notice of application shall be provided within 14 days after the determination of completeness, pursuant to RCW 36.70B.110 and Chapter 14.16B LSMC.

(d) Application Review and Decision Time Framess.

(1) ~~Final d~~Decisions on ~~Type II, III, IV, or V applications~~ project permit applications shall not exceed ~~120 days~~ the following time frames from the date of the determination of completeness, unless the ~~Planning Director makes written findings that a specified amount~~

~~of additional time is needed for processing of a specific complete project application. Applications for developments that are complex or that have extensive or difficult issues may take additional time. The~~ applicant and the City ~~may mutually~~ agree in writing to extend the time period or the application is covered by subsections (d)(2-5):-

(i) Type I Reviews: 65 days

(ii) Type II Reviews: 100 days

(iii) Type III, IV and V Reviews: 170 days

(2) Preliminary Plats. Pursuant to RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3). The 90-day period shall not include the time spent preparing and circulating an environmental impact statement by the local governmental agency. Preliminary plat applications that are reviewed concurrently with a Type II-V application shall be subject to the timelines established in subsection (d)(1).

(3) Final Plats and Short Plats. Pursuant to RCW 58.17.140, final plats and short plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(4) Appeals. The time period for consideration and decision on appeals shall not exceed 90 days for an open record appeal hearing and 60 days for a closed record appeal. The parties may agree in writing to extend these time periods. Any extension of time mutually agreed upon by the applicant and the City shall be in writing.

(5) Exemptions. The time limits established in this title do not apply if a project permit application:

(i) Requires an amendment to the Comprehensive Plan or a development regulation;

(ii) Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;

(iii) Is reviewed as a Type ~~I or~~ VI permit;

(iv) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete:-

(v) Is listed in RCW 36.70B.140.

(e) Calculating Decision Time Frame. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

(1) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies. The period shall be calculated from the date the City notifies the applicant of the need for additional information until ~~the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided~~ responsive information is resubmitted by the applicant to the City;

~~(2) Any period during which an environmental impact statement is being prepared following a determination of significance (DS) pursuant to Chapter 43.21C RCW, or if the City and the applicant in writing shall agree to a time period for completion of an environmental impact statement;~~

~~(2) Any period after an applicant informs the city in writing that they would like to temporarily suspend review of the application until the time that the applicant notifies the city in writing that they would like to resume the application.~~

(3) Any period ~~for an administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed; or is filed until the appeal is resolved and any additional time period provided by the administrative appeal has expired.~~

(4) Any extension of time mutually agreed upon by the applicant and the City.

~~(f) Possible Extension of Time for Final Decision. If the City is unable to issue a final decision within the time limits provided herein, the applicant shall be provided written notice of this fact. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)~~

(f) The time for issuing a decision on a project permit application shall start over if an applicant proposes a change in use that adds or removes residential components from the original application that would make the application fail to meet the determination of procedural requirements for the new use.