

Amendment 1 Version #1 to CB 121045 LEG Permit Timelines ORD

Sponsor: Councilmember Solomon

Substitute Version of CB 121045

Effect:

Council Bill 121045 responds to Revised Code of Washington (RCW) 36.70B, which requires that the City adopt time periods for decisions on land use permits.

This amendment would substitute a new version of Council Bill 121045, including the changes shown on the attached pages. The substitute updates the bill to reflect specific permit types that require additional time to review or that include additional notice or public meeting requirements. The substitute also includes other provisions from RCW 36.70B that were not in the original version of CB 121045.

Specifically, the substitute:

1. Clarifies that if there are multiple land use permits for a project, the longest time period applies;
2. Allows additional time for Type I permits that include public notice requirements or waivers from development standards;
3. Provides additional time for Design Review, SEPA determinations, Major Phase Development permits, and special exception permit decisions;
4. Clarifies that time periods set for Type III decisions apply to SDCI, not the Seattle Hearing Examiner;
5. Provides clarity around suspensions of permit reviews requested by an applicant;
6. States that the permit clock restarts for projects that have been significantly altered by the applicant;
7. Exempts public projects and projects that include historic resources from permit review time periods;
8. Exempts shoreline exceptions, variances and conditional uses from permit review time periods;
9. Clarifies that payment of fees is a required component of a complete master use permit application, and that failure to pay fees will stop the clock on permit review; and
10. Sets a 60 day effective date for the legislation.

Amend the bill by substituting version 5a, containing the changes shown on the following pages.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; updating timelines for City review of land use permits; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code; and amending Resolution 31602 to update the City Council Rules for Quasi-Judicial Proceedings.

..body

WHEREAS, Revised Code of Washington (RCW) 36.70B.080 identifies ~~timelines~~ time periods

for local review of project permits; and

WHEREAS, RCW 36.70B.140 allows local governments by ordinance to exclude landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval that are different from that provided in RCW 36.70B.080; and

WHEREAS, the City Council Rules for Quasi-Judicial Proceedings were last updated in 2015, since which time the City Clerk has started to accept electronic filing of documents; and

WHEREAS, filing documents electronically allows for shorter ~~timelines~~ time periods for filing of responses to those filings; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.76.005 of the Seattle Municipal Code, last amended by Ordinance 125587, is amended as follows:

23.76.005 Time for decisions

A. Except as otherwise provided in this Section 23.76.005 or otherwise agreed to by the applicant, land use decisions on applications shall be made ~~under~~ according to the following

1 timelines. If more than one land use decision is required for a project and there are multiple
2 applicable permit review time periods for the project, the longest applicable time period for
3 decision shall apply. References to days in this Section 23.76.005 shall be calculated by counting
4 every calendar day.

5 1. Type I: within ~~((120))~~ 65 days after the applicant has been notified that the
6 application is complete~~((,))~~ except that the following decisions shall be made within 150 days:

7 a. A Type I land use decision that includes a public notice; and
8 b. A Type I land use decision for a waiver or modification of development
9 standards for Master Use Permit applications subject to temporary design review provisions in
10 subsection 23.41.004.E.3.

11 2. Type II: within ~~100-120~~ 120 days after the applicant has been notified that the
12 application is complete~~;~~ except that the following decisions shall be made within 170 days:

13 a. A Type II design review permit decision;
14 b. A Type II SEPA determination permit decision;
15 c. A Type II Major Phased Development permit decision; and
16 d. A Type II special exception permit decision.

17 3. Type III: ~~within 170 days after the applicant has been notified that the~~
18 ~~application is complete, provided that the he/she~~ Director shall issue a recommendation within
19 170 ~~100~~ days. There is no time period for a final decision on a Type III permit.

20 4. Type IV: as provided in subsection 23.76.005.E.2; and

21 5. Type V: no ~~timeline~~ time period for a final decision.

1 B. In determining the number of days that have elapsed (~~((after the notification that the~~
2 ~~application is complete))~~) for purposes of subsection 23.76.005.A, the following periods shall be
3 excluded:

4 1. All periods of time during which (~~((the applicant has been requested by))~~) the
5 Director (~~((to))~~) or Hearing Examiner has requested that the applicant correct plans, perform
6 required studies, or provide additional required information, until (~~((the Director determines that~~
7 ~~the request has been satisfied))~~) the day responsive information is resubmitted by the applicant;

8 2. Any extension of time mutually agreed upon, in writing, by the Director or
9 Hearing Examiner and the applicant;

10 3. Temporary suspensions of permit review requested by an applicant until such
11 time that the applicant notifies the Director or Hearing Examiner in writing to resume permit
12 review, provided that:

13 a. A penalty of an additional 30 days may be added to the time period for
14 a decision if the applicant requests the Director, in writing, to temporarily suspend the review of
15 the project for more than 60 days; and

16 b. A penalty of an additional 30 days may be added to the time period for
17 a decision if the applicant is not responsive for more than 60 consecutive days after the Director
18 has notified the applicant, in writing, that additional information is required to further process the
19 application and that nonresponsiveness for 60 consecutive days may result in 30 days being
20 added to the time for review. For the purposes of this subsection, “nonresponsiveness” means
21 that an applicant is not making demonstrable progress on providing additional requested
22 information to the City, or that there is no ongoing communication from the applicant to the City
23 on the applicant’s ability or willingness to provide the additional information;

1 ~~((3))~~4. For projects for which an EIS has been required, the EIS process time
2 period established in subsection 23.76.005.~~((B))C~~; ~~and~~.

3 ~~((4))~~5. Any time period for filing an appeal or request for further consideration of
4 the land use decision to the Hearing Examiner or City Council as applicable, and the time period
5 to consider and decide the appeal ~~((; and))~~ :.

6 ~~((5))~~6. All periods of time during which the Director has requested information
7 from the applicant ~~((has been requested by the Director to pay))~~ that confirms payment of due or
8 past-due ~~((permit))~~ fees related to the application, until the ~~((Director determines that the request~~
9 ~~has been satisfied or until the permit is cancelled for failure to pay fees))~~ day the applicant
10 submits confirmation of payment.

11 ~~((B))C~~. The time required to prepare an EIS shall be agreed to by the Director and
12 applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact
13 statement shall be issued by the Director within one year following the issuance of a
14 Determination of Significance for the proposal, unless the EIS ~~((consultant))~~ responsible party
15 advises that a longer time period is necessary. In that case, the additional time shall be that
16 recommended by the ~~((consultant))~~ responsible party, not to exceed an additional year.

17 ~~((C))D~~. The time ~~((limits))~~ period established by subsections 23.76.005.A₂ ~~((and))~~
18 23.76.005.B₂ and 23.76.005.C do not apply if a permit application:

- 19 1. Requires an amendment to the Comprehensive Plan or the Land Use Code;
20 ~~((or))~~
- 21 2. Requires the siting of an essential public facility;
- 22 3. ~~((Is substantially revised by the applicant, in which case the time period shall~~
23 ~~start from the date at which the revised project application is determined to be complete; or))~~

~~4. Requires the vacation of public right-of-way;~~

4. Requires a nomination for a landmark designation;

5. Includes an existing designated landmark on its site

6. Is for a project located within a landmark district or a historical district;

7. Is subject to review under Chapter 23.66; or

8. Is for approvals relating to the use of public areas or facilities.

~~((D))E.~~ Exclusions pursuant to RCW 36.70B.140(1)(-))

1. Type II decisions. There is no time ~~((limit))~~ period for a decision on an application that ~~((includes))~~:

a. Includes a shoreline exception or shoreline variance from the Shoreline Master Program regulations in Chapter 23.60A, or a shoreline conditional use; or

b. Includes an exception from ~~((the regulations for Environmentally Critical Areas,))~~ Chapter 25.09.

2. ~~((Type III decisions.~~

~~a. The Director shall issue a recommendation within 120 days as that time is calculated pursuant to subsections 23.76.005.A, B, and C; and~~

~~b. The Hearing Examiner shall issue a decision within 90 days of issuance of the Director's recommendation, except that in determining the time limits for Type III decisions established in this subsection 23.76.005.D.2.b, the following periods shall be excluded:~~

~~1) The time during which a Type III decision is remanded by the Hearing Examiner for further information or analysis. The Hearing Examiner shall set a reasonable period for the remand after consideration of the nature and complexity of the issues;~~

1 ~~and, if practicable, after consultation with the parties about the reasonableness of the remand~~
2 ~~period;~~

3 ~~2) All periods of time during which the applicant has been~~
4 ~~requested by the Director to pay past due permit fees, until the Director determines that the~~
5 ~~request has been satisfied; and~~

6 ~~3) Any extension of time mutually agreed upon by the Hearing~~
7 ~~Examiner and the applicant.~~

8 ~~3.)~~ Type IV Council land use decisions((-))

9 a. There is no time limit for decisions on Major Institution master plans.

10 b. All other Type IV Council land use decisions and any associated Type
11 II decisions listed in subsection 23.76.006.C.2, except for the exclusions listed in subsections
12 23.76.005.((-))~~EF~~.1 and 23.76.005.((-))~~EF~~.3.c, shall be made within the following time periods:

13 1) The Director shall issue a recommendation within ((120)) 100
14 days as that time period is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, ((and))
15 23.76.005.C, and 23.76.005.D;

16 2) The Hearing Examiner shall issue a recommendation within 90
17 days of issuance of the Director's recommendation; and

18 3) The Council shall issue its decision within 90 days of receipt of
19 the Hearing Examiner recommendation, except that if a timely appeal is filed with the City
20 Clerk, the Council shall issue its decision within 120 days of receipt of the Hearing Examiner
21 recommendation.

22 c. In determining the time limits for Type IV Council land use decisions
23 established in this subsection 23.76.005.((-))~~EF~~, the following periods shall be excluded:

1 1) The time during which a Type IV Council land use decision is
2 remanded by the Hearing Examiner or ~~the City~~ Council for further information or analysis. The
3 Hearing Examiner or the Council shall set a reasonable period for the remand after consideration
4 of the nature and complexity of the issues, and, if practicable, after consultation with the parties
5 about the reasonableness of the remand period; and

6 2) ~~((All periods of time during which the~~ Director has requested
7 information from the applicant ~~((has been requested by the Director to pay))~~ that confirms
8 payment of due or past-due ~~((permit))~~ fees related to an application, until the ~~((Director~~
9 ~~determines that the request has been satisfied))~~ day the applicant submits confirmation of
10 payment; and

11 3) ~~((Any extension of time mutually agreed upon by the Hearing~~
12 Examiner and the applicant or the City Council and the applicant.

13 ~~((E))~~ E. Type V Council land use decisions are legislative decisions to which no time
14 ~~((limits))~~ periods apply.

15 G. If a permit application is revised by the applicant by adding or removing commercial
16 or residential elements from the original application that would make the application fail to meet
17 the determination of procedural completeness for the revised application, the time period shall
18 start over on the date the revised application is determined to be complete.

19 Section 2. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance
20 ~~127288~~ 127228, is amended as follows:

21 **23.76.010 Applications for Master Use Permits**

22 * * *

1 C. Applications shall be accompanied by payment of the applicable filing fees, if any, as
2 established in Subtitle IX of Title 22. Payment of applicable filing fees is required for a
3 determination that an application is procedurally complete.

4 D. All applications shall contain the submittal information required by the applicable
5 sections of this Title 23~~((, Land Use Code))~~; Title 15~~((, Street and Sidewalk Use))~~; Chapter
6 25.05~~((, Environmental Policies and Procedures))~~; Chapter 25.09~~((, Regulations for~~
7 ~~Environmentally Critical Areas))~~; Chapter 25.12~~((, Landmarks Preservation))~~; Chapter 25.16~~((,~~
8 ~~Ballard Avenue Landmark District))~~; Chapter 25.20~~((, Columbia City Landmark District))~~;
9 Chapter 25.22~~((, Harvard-Belmont Landmark District))~~; Chapter 25.24~~((, Pike Place Market~~
10 ~~Historical District))~~; and other codes as determined applicable and necessary for review by the
11 Director. All shoreline substantial development, conditional use or variance applications shall
12 also include applicable submittal information as specified in WAC 173-27-180. The Director
13 shall ~~((make available, in writing, a general list of))~~ outline the submittal requirements for a
14 complete application in the permit application.

15 E. Notice of ~~((Complete Application))~~ complete application.

16 1. The Director shall determine whether an application is procedurally complete
17 and shall notify the applicant in writing within 28 days of the date the application is filed
18 whether the application is complete or that the application is incomplete and what additional
19 information is required before the application will be complete. Within 14 days of receiving the
20 additional information, the Director shall notify the applicant in writing if the application is still
21 incomplete and what additional information is necessary. An application shall be deemed to be
22 complete if the Director does not notify the applicant in writing that the application is incomplete

1 by the deadlines in this subsection 23.76.010.E. A determination that the application is complete
2 is not a determination that the application is vested.

3 2. A Master Use Permit application is procedurally complete for purposes of this
4 Section 23.76.010 if it meets the submittal requirements ~~((established by the Director in~~
5 ~~subsection 23.76.010.D and is sufficient for continued processing even though additional~~
6 ~~information may be required or project modifications may be undertaken subsequently))~~ outlined
7 on the permit application. The determination of completeness shall not preclude the Director
8 from requesting additional information or studies either at the time the application is determined
9 complete or, subsequently, if additional information is required to complete review of the
10 application or substantial changes in the permit application are proposed. However, if the
11 submittal requirements outlined on the permit application have been met, the need for additional
12 information or studies ~~may shall~~ not preclude a determination of completeness.

13 3. A determination under this Section 23.76.010 that an application is complete is
14 not a determination that the application is vested. A vesting determination shall be made only if
15 needed because of a change in applicable laws and shall entail review of the application for
16 compliance with RCW 19.27.095, RCW 58.17.033, and Section 23.76.026.

17 * * *

18 Section 3. Exhibit A to Resolution 31602 is amended as shown in Exhibit A to this
19 ordinance.
20

Section 4. This ordinance shall take effect 60 days after its approval or after being
unsigned and returned by the Mayor; 60 days after the Council's reconsidered passage after its
veto by the Mayor; or if not returned by the Mayor within ten days after presentation, 75 days
after its passage by the City Council. ~~as provided by Seattle Municipal Code Sections 1.04.020~~
~~and 1.04.070.~~

Passed by the City Council the _____ day of _____, 2025,
and signed by me in open session in authentication of its passage this _____ day of
_____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

- 1 Exhibits:
- 2 Exhibit A – City Council Rules for Quasi-Judicial Proceedings (2025 Rules), As Amended