

**Proposed Amendments to Meet SSB 5290:
Consolidated Permit Review Timelines**

18.70.030 General provisions

- A. Time Period Calculations. [Time calculation is based on calendar days \(includes weekends\).](#) Regardless of whether any period is a minimum or maximum, when any permit review, notice, or decision time limit of this Title terminates on a weekend or City holiday, such time limit automatically extends to the first following non-holiday weekday.
- B. General Notice Requirements. When providing required notice, City staff shall use the available records of the Thurston County Assessor's Office to determine the property owner of record. All notices are deemed to have been provided or received on the date the notice is deposited in the mail, sent electronically, or personally delivered, whichever occurs first. Failure to provide the public notice as described in this chapter is not grounds for invalidation of a decision on a permit.
- D. Optional Public Notice. In addition to required public notice, the City may provide notice to other individuals or organizations interested or possibly affected by the proposal. Failure to provide optional public notice is not grounds for invalidation of a decision on a permit.
- E. Dedication, improvements, and performance bond. As a condition of land use approval, the City may require an applicant to dedicate property, construct public improvements, or furnish a performance bond to the City to secure an obligation to complete the provisions and conditions of the project as approved.
- F. Licenses and building permits. The City shall not issue business and occupational licenses unless the applicant has a valid certificate of occupancy as defined in OMC [18.02.180\(C\)](#). The City shall not issue any building permit for the construction, alteration, or relocation of any building, structure, or part thereof unless the plans, specifications, and intended use of such building or structure conforms in all respects with the provisions of this Title.
- G. The Director may waive appropriate land use application fees.

18.70.040 Permit application procedures and types

An applicant seeking land use approval shall apply on forms provided by the Director. Application fee(s) as established by the City are due upon presentation of an application for land use approval. Land use permit applications are categorized as Type I, Type II, Type III, or Type IV. Applicable procedures for the review and decision on land use permit applications are pursuant to the following provisions:

- A. Application Types. The Director shall determine the proper application type for the processing of each permit application pursuant to the provisions of this chapter. Table 18.70-1 identifies examples of the types of applications included in each Application Type.
 - 1. Type I. Administrative decisions by the Director who may approve, conditionally approve, or deny the application.

2. Type II. Administrative decisions by the Director with specified public notice. The Director may approve, conditionally approve, or deny the application.
 3. Type III. Hearing Examiner decisions following a public hearing. The Hearing Examiner may approve, conditionally approve, or deny the application.
 4. Type IV. Legislative decisions by the City Council after a public hearing. The City Council may approve, conditionally approve, modify and approve, or deny the application. Type IV applications are not subject to review timeline limitations unless specified elsewhere in this Title.
- B. Permit applications proposed in areas having adopted design guidelines are subject to design review. Refer to OMC [18.100](#) for applicability and procedures for design review. Notice requirements are as follows (see also OMC [18.100.110](#)):
1. Notice of Design Review Board meeting for conceptual design review may be combined with a Notice of Application and must be sent electronically, or by first class or higher mail, to property owners within 300 feet of the site, parties of record, and the recognized neighborhood association in which the site is located.
 2. Notice of Design Review Board meeting for detailed design review must be sent electronically, or by first class or higher mail, to parties of record, and the recognized neighborhood association in which the site is located.
- C. An applicant seeking approval of a townhouse development shall submit an application for preliminary plat or short plat approval and any design review and land use approval simultaneously.
- D. [Application Submittals. The City's online portal acts as the application for project permit. Required application content is provided in the City's handouts/forms which are used to supplement Municipal Code and identify the types of reports, documents, and information necessary for a complete submittal.](#)

**Table 18.70-1
Application Types¹**

Application Type	Examples
Type I	Administrative Design Review, Administrative Parking Modification, Boundary Line Adjustments, Critical Area Review Letter, Development Regulation Interpretation, Fence Variance, Fence/Wall Height Modification, Final Plat, Shoreline Exemption, Short-Term Rental, Sign Permit, Temporary Use Permit, Tree Removal, Zoning Letter
Type II	Administrative Conditional Use, Administrative Variance/Reasonable Use Exception, Binding Site Plan, Land Use Review, Preliminary Short Plat, Shoreline Substantial Development Permit
Type III	Preliminary Subdivision/Plat, Conditional Use Permit (including essential public facilities), Master Plan Amendment, Preliminary Planned Residential Development,

**Table 18.70-1
Application Types¹**

Application Type	Examples
	Rezone not requiring Comprehensive Plan Amendment, Shoreline Conditional Use Permit or Shoreline Variance, Variance/Reasonable Use Exception
Type IV	Code Amendment to Titles 17 and 18 OMC, Comprehensive Plan Amendment, Development Agreement, Rezone requiring Comprehensive Plan Amendment, Shoreline Master Plan Amendment, Plat Vacation

¹ This table is not an exhaustive list of all application types. For any application not listed in the table, the application type will be determined by the Director.

18.70.050 Decision and appeal authorities

- A. Table 18.70-2 describes the final decision and appeal authorities for each land use application type. Table 18.70-3 provides public notice requirements for each land use application type. When separate applications are consolidated at the applicant’s request, the final decision must be rendered by the highest authority designated for any part of the consolidated application. A land use approval may be amended at the applicant’s request by the same procedures provided under this Chapter for original application approval.
- B. The Site Plan Review Committee consists of the Building Official, Planner, City Engineer, SEPA Official, and the Fire Chief or their designees. The Community Planning and Development Director, or designee, shall chair the Committee. The Committee serves in an advisory capacity to the Director, who is responsible for all land use related decisions. The Committee shall adopt rules of procedure for the purpose of ensuring fair, lawful, and timely recommendations.
- C. Referral to Hearing Examiner. If in the Director’s opinion a project is extraordinarily complex or presents significant environmental, design, or compatibility issues, the Director may refer the project for a public hearing before the Hearing Examiner. The Director may decide at any time to refer a project to the Examiner, [which will cause the application to be processed as at type III in terms of timelines.](#)
- D. Design Review Board. The Design Review Board shall review and provide recommendations regarding Design Review applications decisions pursuant to chapter [18.100](#) OMC, Design Review. With respect to design review criteria, the decision-maker shall accord substantial weight to the Board’s recommendation.

**Table 18.70-2
Decision and Appeal Authority**

Application Type	Recommendation	Hearing Body	Decision Authority	Appeal To (open or closed record appeal)
Type I	N/A	N/A	Director (Shoreline Administrator for shoreline permits)	HEX (open record)
Type II	SPRC	N/A	Director ² (Shoreline Administrator for shoreline permits)	HEX
Type III	Director (Shoreline Administrator for shoreline permits; HEX for Rezones, Master Plan Amendments and Preliminary Planned Residential Developments) ³	HEX	HEX (City Council for Rezones, Master Plan Amendments and Preliminary Planned Residential Developments)	Superior Court, or WA State ELUHO for shoreline permits (closed record)
Type IV	Director (HEX for Development Agreements) ⁴	OPC (HEX for Development Agreements)	City Council	Superior Court or WA State ELUHO (closed record)

HEX = Hearing Examiner; SPRC = Site Plan Review Committee; OPC = Olympia Planning Commission; ELUHO = Environmental and Land Use Hearings Office

² As described in OMC [18.70.050\(C\)](#), the Director may refer to Hearing Examiner for decision.

³ See OMC [18.56](#) and [18.82](#)

⁴ See OMC [18.82](#)

**Table 18.70-3
Public Notice Requirements**

Application Type	Determination of Completeness	Notice of Application	Notice of Hearing	Notice of Decision
Type I	No	No	N/A	No
Type II	Yes	Yes	N/A	Yes
Type III	Yes	Yes	Yes	Yes
Type IV	Yes	Yes	Yes	Yes

18.70.060 Permit review time periods

- A. Review Period. The decision-maker (Director or Hearing Examiner, depending on land use Application Type) shall render a final decision on a land use application within time limits

set forth below, except as provided in OMC [18.70.060\(D\)](#). The City shall review and process a land use application to allow for a final decision by the decision-maker within these time limits.

Application Type	Time in Review
Type I	90 65 days • Includes Final Plat: 30 days
Type II	120 days • Includes Preliminary Short Plat: 90 days
Type III	120 170 days • Includes Preliminary Subdivision: 90 days
Type IV	N/A

Commented [NF1]: State suggests 100 days, but to meet this we would have to reduce public input opportunities. Suggest maintaining 120 instead.

~~B. — Notice of Delayed Decision. If the City is unable to issue its final decision within the time limits listed below, the City shall provide written notice of this fact to the applicant. The notice must include a statement of reasons why the time limits have not been met and an estimated date for issuance of a final decision.~~

Commented [NF2]: This is not required by state law and not our current practice.

C. Liability. The City is not liable for damages due to the City's failure to make a final decision within the time limits established in this chapter [because the City meets at least three of the exemptions listed in RCW 36.70.B.080.1.1.i.b.ii](#).

D. Request for Timeline. Where no time limit is specified, upon written request, the City will provide an estimated time of review. (Also see Olympia City Council Resolution No. M-1419 regarding exceptions.)

E. Time Limit Exceptions. The time limits set forth above do not include:

1. [Building, engineering construction, and other actions/permits/licenses not defined as a land use action.](#)
2. Up to the first 28 days after receipt of an application during which the City determines whether the application is complete.
3. Any period during which the applicant has been requested by the City to correct plans, perform studies, or provide additional information requested by the City. If the City determines that the additional information submitted to the City by the applicant is insufficient, the City shall notify the applicant of the deficiencies and this subsection (2) applies as if a new request for information has been made. If the applicant does not provide the requested corrections, studies, or information within six months, the application will be null and void. [Each time such notice is provided in writing to the applicant and the applicant does not respond within 60 consecutive days, the City may add an additional 30 days to the overall project review time for the project. The notice from the City must indicate that non-responsiveness may result in additional time added to the project clock.](#)

Commented [NF3]: While already exempt, this helps ensure clarity for the reader.

3. Projects identified by the Director as complex, due to site constraints such as a environmental site constraints, more than one type of critical area, and stormwater design complexities (i.e. required to meet all 10 core requirements) will be given an additional 70 days for review.

43. Any appeal period. See OMC 18.70.170 for appeal procedures.

54. Any extension of time mutually agreed upon by the applicant and the City.

65. The time required to prepare and issue a final Environmental Impact Statement in accordance with the State Environmental Policy Act.

18.70.070 Expiration of approvals

An applicant is responsible for knowing the expiration date of any approval. The City is not responsible for notifying an applicant of expirations.

A. Land Use Approval. Unless exercised by complete application for necessary construction permits, any land use approval expires and is null and void two years from the date the final approval was issued. Land use approval may be extended two additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval. Even absent such application, upon finding that there has been no substantial change in relevant circumstances and standards, land use approval may be extended up to two additional years by the Director pursuant to a written request submitted prior to expiration of land use approval. The Director may grant, limit, or deny the extension and may impose such conditions of extension to ensure compliance with any subsequently revised standards. If such written request for extension is not received by the Department prior to expiration, the Director shall deny such extension. Land Use Approvals are defined in OMC 18.02.180.L and include conditional use permits, variances and reasonable use exceptions, long and short subdivisions etc.

~~B. — Conditional Use Permit. Unless exercised or otherwise specified, a conditional use permit approval is void two years from the date a notice of final decision was issued and can be granted an extension for an additional two years as provided in OMC 18.70.070(A). If exercised, a conditional use permit is valid for the amount of time specified by the approval authority. If the use allowed by the permit is inactive, discontinued, or abandoned for 12 consecutive months, the permit is void and a new permit must be obtained in accordance with the provisions of this title prior to resuming operations.~~

C. Design Review approval expires simultaneously with expiration of any associated land use, building, or other construction permit or approval.

~~D. — Variance/Reasonable Use Exception. Unless exercised, a variance or reasonable use exception expires one year from the date a final decision is issued. If timely exercised, a variance or reasonable use exception is valid indefinitely.~~

Commented [NF4]: This is not a required change, but by doing this all land use actions get the same expiration and extension opportunities. Its what we meant to do last year as it simplifies language/process.