



## MEMORANDUM

**DATE:** March 5, 2025  
**TO:** DEAB  
**FROM:** Brent Davis, Land Use Review Manager *BD*  
**SUBJECT:** Timeline Management Under RCW36.70.B.080

Under the new provisions in RCW 36.70B.080 regarding timelines for project review, we are required to be diligent about managing when an application review can be stopped and restarted key changes are as follows:

- No changes to Fully Complete review
- Statute does not require review agencies to accept revisions after Fully Complete
- Revisions that are subject to Fully Complete requirements may restart the review clock
- The review clock stops when the reviewing agency requests additional information (Early Issues)
- Review resumes when the applicant submits requested information (the review agency cannot add time to validate that the new submittal is responsive to the information request).
- Review agencies can add 30 days to the review if the applicant is “non-responsive” to an additional information request after 60 days – Notification to applicant required
- Applicants can request a temporary suspension of review at any time (written request required)
- Review agencies can add conditions to applicant requests to suspend review
- Type I deadline 65 days – Title 40 is still 21 days
- Type II deadline 100 days – Title 40 is still 78 days
- Type III deadline 170 days Title 40 is still 92 days
- For reporting purposes review agencies are held to their adopted deadlines

The following is what staff is considering in response to the requirements of RCW 36.70B.080:

1. Early Issues – 1 request only – 14 days to respond, applicant can request a suspension for more time
2. New road modification requests after Fully Complete require an applicant request for suspension per Table 1.
3. Applicant requests for suspension
  - a. Requests must include a deadline to restart the application – deadlines can be extended by request.



- b. Revisions submitted with insufficient time for staff to review prior to the deadline for issuance of a decision or recommendation to the Hearing Examiner will only be reviewed as part of the staff report/decision if the applicant requests a suspension of review to allow sufficient time for additional staff review in accordance with Table 1.

**Table I: Additional hold time for temporary suspension requests\***

Revisions responsive to Early Issues notification or an applicant initiated hold (except as noted below):	14 days
Revisions that include a new Road Modification Request	21 days
Revisions submitted more than 60 days after initiation of a hold:	30 days
Revisions submitted within 30 days of the decision or recommendation due date:	30 days

\*Additional hold time may be waived if time is added to the review deadline pursuant to RCW 36.70B.080(1)(h) or (i). For Type III reviews, hold times for continuance of a public hearing or open record will be determined by the Hearing Examiner.

- 4. Submittal of revisions without a request to suspend review  
If an applicant submits revisions to the application after Fully Complete without either a request to suspend the application or a request from staff for additional information, we cannot guarantee that we can include the revisions in the review prior to issuance of the staff report/decision. For Type I and II applications this means that they may not be considered in the decision but the decision may acknowledge the revisions and condition that they can be considered in a Post Decision Review, for Type III's this means that consideration of the revisions may require a request for continuance of the hearing or an open record.
- 5. Denials – We are considering creating a Post Decision Review pathway for denials of Type I and II decisions.
  - a. Limited to consideration of revisions to the application responsive to basis for denial. Argument regarding code interpretation or conditions of approval requires appeal.
  - b. Open for a limited window of time after the decision (60 days?)
  - c. Same review type as original application and notification to all parties of record
- 6. Process streamlining (Type II and III)  
The primary recommendation from our LEAN review of the Type III process is to reduce reliance on email communication outside of LMS for internal and external communications for revisions and holds, specifically:
  - a. Use of LMS referrals to applicant for early issues and closing hold requests – allows for reporting on resubmittals/off-hold dates and communicating hold deadlines, and ensures that responsive submittals are routed through the planner.
  - b. Use of LMS Referrals for distribution of new submittal to staff for review – streamlines and documents internal communication of receipt of submittals and updated review deadlines.
  - c. Re-open applicant portal for resubmittal of documents into LMS – allows for reporting and tracking of submittal dates and ensures that submittals are routed through the planner.

**TYPE III - PROPOSED LAND USE REVIEW PROCESS (DRAFT)**

# DRAFT

