



January 29, 2025

The Honorable Davina Duerr
House Local Government Committee
Washington State House of Representatives
Olympia, WA

Subject: HB 1438

Dear Chair Duerr,

I am writing on behalf of the American Planning Association, Washington Chapter (APAWA) to **express our opposition to HB 1438**. Our 1500+ members are planning professionals who advise elected and appointed officials on land use, transportation, economic development and environmental policy, enforce development regulations, administer the permit process, and provide public information to and engagement with our constituents regarding growth and change to cities, towns, counties, non-profit organizations and more.

HB 1438 appears to be intended to speed up the permit review process for residential development, and while APA supports the increasing affordable housing choices, we have concerns that the specific legislative changes proposed by this bill will result in unintended consequences that may increase procedural requirements and result in inefficiencies.

1. The bill creates the potential to burden local governments with additional review process.

1. If a proposed development does not meet local standards, and the review time limit set by RCW 36.70B (updated by SB 5290 in 2023) is close to being reached, a local government would only be able to deny a permit by doing analysis to determine whether “serious public health or safety issues” were caused. It would be essential to do this analysis in order to document the local government’s reasoning and confirm that this statutory standard has been met. This analysis would take staff resources away from permit review, slowing down permit approvals.
2. The bill language also increases the potential for appeals by potentially allowing non-compliant development to be permitted, creating likely targets for appeals by parties opposing the development, or in the case of denial, appeals by the applicant. The threshold of “serious public health or safety issues” is a vague standard, increasing the potential for protracted litigation.

2. The proposed change also could lead to development that is out of sync with adopted local plans and the utilities and services needed to support development. If a project does not meet zoning standards, but does not rise to the level of “serious public health or safety issues”, it would still get approved if the permit review time limit set by RCW 36.70B is exceeded.

1. This could cause developments that do not meet concurrency, utility, or stormwater drainage standards or regional planning policies to be permitted.
2. Further, it creates the potential for additional localized impacts if standards are not met, but the issue is not documented to rise to the level of having “serious public health or safety issues”. Examples include landscaping and tree retention standards, density standards, and perhaps even building and fire code standards that do not meet the threshold of “serious public health or safety issues”. Though potentially not considered “serious”, these are issues of equity and are a concern for local jurisdictions.
3. **The Local Project Review Act was recently amended by SB 5290 (2023).** The review deadlines associated with that bill went into effect in January 2025. Local jurisdictions across the state have already adjusted their processes and made improvements in response to SB 5290. The local results of implementing SB 5290 will be tracked by local governments and reported. The results will be informative to determine if SB 5290 was effective at creating efficiencies and speeding up permit approvals, potentially making HB 1438 redundant and unnecessary.

Thank you for your consideration.

Respectfully,



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