

HOUSE BILL REPORT

SSB 5462

As Reported By House Committee On:
Government Reform & Land Use

Title: An act relating to local government permit timelines.

Brief Description: Changing local government permit timeline provisions.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Hale, Anderson, Haugen, Patterson, Goings, McCaslin and Winsley).

Brief History:

Committee Activity:

Government Reform & Land Use: 3/24/97, 3/27/97 [DP].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: Do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

Staff: Kimberly Klaiber (786-7156).

Background: In 1995, the Legislature amended the Growth Management Act (GMA) to integrate permit procedures and environmental review required under the State Environmental Policy Act (SEPA).

Under SEPA, when a local government receives a project permit application it must provide a notice of application to the public and the appropriate departments and agencies. The notice must contain, among other things, a description of the proposed project action, a list of the project permits included in the application, and a statement of the public comment period and the time and place of a hearing (if one is scheduled). "Project permit" means any land use or environmental permit or license required from a local government for a project action, including building permits, subdivisions, and others, but not including comprehensive plans or development regulations.

SEPA also requires local governments and state agencies to prepare a detailed statement, or environmental impact statement (EIS), if a proposed action may have a *probable significant, adverse impact* on the environment. Local governments and state agencies must make a *threshold determination* on a completed project application as to whether a probable significant, adverse environmental impact may result from the project as proposed. The threshold determination process involves notice of the proposed action and a public comment period.

An EIS must only be prepared if a local government makes a *determination of significance* (that is to say, determines that a probable significant, adverse environmental impact will result from a proposed action). The lead agency on a local government action that has resulted in a *determination of significance* (DS) must narrow the scope of every EIS to the probable significant, adverse impacts and reasonable alternatives, including mitigation measures (scoping–). The lead agency must then initiate a 21-day public comment period on the DS where agency representatives, tribes, and the public may comment and address significant environmental issues.

If the local government has made a DS concurrently with the notice of application, it must combine the notice of application with the DS and scoping notice. A local government may issue a DS on a project permit *before* the expiration of the public comment period.

Summary of Bill: When a local government makes a threshold determination (either a *determination of significance* (DS) or a *determination of nonsignificance* (DNS)) concurrently with the notice of application, the notice of application **may** be combined with the threshold determination. If there is a DS, the notice of application **may** be combined with the *determination of significance* *and* the scoping notice. The local government may issue a decision or a recommendation on a project permit prior to the expiration of the public comment period on the notice of application for any threshold determination.

The effect of the optional combined notice of application/threshold determination is to eliminate the second public notice period (from 14 to 30 days) from the project timeline.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will clear up the uncertainty created by the 1995 SEPA/GMA legislation (HB 1724). The bill also solves some problems for Benton

County and Walla Walla. It will speed up the permit process. Some of these issues may be addressed in the 1724 cleanup bill.

Testimony Against: None.

Testified: Dave Williams, Association of Washington Cities (pro); and Paul Parker, Washington State Association of Counties (pro).