
HOUSE BILL 1591

State of Washington

55th Legislature

1997 Regular Session

By Representatives Reams, Mulliken, Sherstad, Cairnes and Thompson

Read first time 01/31/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to local project review; and amending RCW
2 36.70B.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70B.110 and 1995 c 347 s 415 are each amended to
5 read as follows:

6 (1) Not later than April 1, 1996, a local government planning under
7 RCW 36.70A.040 shall provide a notice of application to the public and
8 the departments and agencies with jurisdiction as provided in this
9 section. If a local government has made a determination of
10 significance under chapter 43.21C RCW concurrently with the notice of
11 application, the notice of application shall be combined with the
12 determination of significance and scoping notice. Nothing in this
13 section prevents a determination of significance and scoping notice
14 from being issued prior to the notice of application.

15 (2) The notice of application shall be provided within fourteen
16 days after the determination of completeness as provided in RCW
17 36.70B.070 and include the following in whatever sequence or format the
18 local government deems appropriate:

1 (a) The date of application, the date of the notice of completion
2 for the application, and the date of the notice of application;

3 (b) A description of the proposed project action and a list of the
4 project permits included in the application and, if applicable, a list
5 of any studies requested under RCW 36.70B.070 or 36.70B.090;

6 (c) The identification of other permits not included in the
7 application to the extent known by the local government;

8 (d) The identification of existing environmental documents that
9 evaluate the proposed project, and, if not otherwise stated on the
10 document providing the notice of application, such as a city land use
11 bulletin, the location where the application and any studies can be
12 reviewed;

13 (e) A statement of the public comment period, which shall be not
14 less than fourteen nor more than thirty days following the date of
15 notice of application, and statements of the right of any person to
16 comment on the application, receive notice of and participate in any
17 hearings, request a copy of the decision once made, and any appeal
18 rights. A local government may accept public comments at any time
19 prior to the closing of the record of an open record predecision
20 hearing, if any, or, if no open record predecision hearing is provided,
21 prior to the decision on the project permit;

22 (f) The date, time, place, and type of hearing, if applicable and
23 scheduled at the date of notice of the application;

24 (g) A statement of the preliminary determination, if one has been
25 made at the time of notice, of those development regulations that will
26 be used for project mitigation and of consistency as provided in RCW
27 36.70B.040; and

28 (h) Any other information determined appropriate by the local
29 government.

30 (3) If an open record predecision hearing is required for the
31 requested project permits, the notice of application shall be provided
32 at least fifteen days prior to the open record hearing.

33 (4) A local government shall use reasonable methods to give the
34 notice of application to the public and agencies with jurisdiction and
35 may use its existing notice procedures. A local government may use
36 different types of notice for different categories of project permits
37 or types of project actions. If a local government by resolution or
38 ordinance does not specify its method of public notice, the local

1 government shall use the methods provided for in (a) and (b) of this
2 subsection. Examples of reasonable methods to inform the public are:

3 (a) Posting the property for site-specific proposals;

4 (b) Publishing notice, including at least the project location,
5 description, type of permit(s) required, comment period dates, and
6 location where the complete application may be reviewed, in the
7 newspaper of general circulation in the general area where the proposal
8 is located or in a local land use newsletter published by the local
9 government;

10 (c) Notifying public or private groups with known interest in a
11 certain proposal or in the type of proposal being considered;

12 (d) Notifying the news media;

13 (e) Placing notices in appropriate regional or neighborhood
14 newspapers or trade journals;

15 (f) Publishing notice in agency newsletters or sending notice to
16 agency mailing lists, either general lists or lists for specific
17 proposals or subject areas; and

18 (g) Mailing to neighboring property owners.

19 (5) A notice of application shall not be required for project
20 permits that are categorically exempt under chapter 43.21C RCW, unless
21 a public comment period or an open record predecision hearing is
22 required.

23 (6) A local government shall integrate the permit procedures in
24 this section with environmental review under chapter 43.21C RCW as
25 follows:

26 (a) Except for a determination of significance, or a declaration of
27 nonsignificance, the local government may not issue its threshold
28 determination, or issue a decision or a recommendation on a project
29 permit until the expiration of the public comment period on the notice
30 of application.

31 (b) If an open record predecision hearing is required and the local
32 government's threshold determination requires public notice under
33 chapter 43.21C RCW, the local government shall issue its threshold
34 determination at least fifteen days prior to the open record
35 predecision hearing.

36 (c) Comments shall be as specific as possible.

37 (7) A local government may combine any hearing on a project permit
38 with any hearing that may be held by another local, state, regional,
39 federal, or other agency provided that the hearing is held within the

1 geographic boundary of the local government. Hearings shall be
2 combined if requested by an applicant, as long as the joint hearing can
3 be held within the time periods specified in RCW 36.70B.090 or the
4 applicant agrees to the schedule in the event that additional time is
5 needed in order to combine the hearings. All agencies of the state of
6 Washington, including municipal corporations and counties participating
7 in a combined hearing, are hereby authorized to issue joint hearing
8 notices and develop a joint format, select a mutually acceptable
9 hearing body or officer, and take such other actions as may be
10 necessary to hold joint hearings consistent with each of their
11 respective statutory obligations.

12 (8) All state and local agencies shall cooperate to the fullest
13 extent possible with the local government in holding a joint hearing if
14 requested to do so, as long as:

15 (a) The agency is not expressly prohibited by statute from doing
16 so;

17 (b) Sufficient notice of the hearing is given to meet each of the
18 agencies' adopted notice requirements as set forth in statute,
19 ordinance, or rule; and

20 (c) The agency has received the necessary information about the
21 proposed project from the applicant to hold its hearing at the same
22 time as the local government hearing.

23 (9) A local government is not required to provide for
24 administrative appeals. If provided, an administrative appeal of the
25 project decision, combined with any environmental determinations, shall
26 be filed within fourteen days after the notice of the decision or after
27 other notice that the decision has been made and is appealable. The
28 local government shall extend the appeal period for an additional seven
29 days, if state or local rules adopted pursuant to chapter 43.21C RCW
30 allow public comment on a determination of nonsignificance issued as
31 part of the appealable project permit decision.

32 (10) The applicant for a project permit is deemed to be a
33 participant in any comment period, open record hearing, or closed
34 record appeal.

35 (11) Each local government planning under RCW 36.70A.040 shall
36 adopt procedures for administrative interpretation of its development
37 regulations.

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