
SENATE BILL 6725

State of Washington 55th Legislature 1998 Regular Session

By Senators Patterson, Haugen, B. Sheldon and Fraser

Read first time 01/29/98. Referred to Committee on Government Operations.

1 AN ACT Relating to the land use study commission; amending RCW
2 90.61.020, 90.61.030, 90.61.040, and 90.61.900; making an
3 appropriation; and declaring an emergency.

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

5 **Sec. 1.** RCW 90.61.020 and 1995 c 347 s 802 are each amended to
6 read as follows:

7 (1) The commission shall consist of not more than ((fourteen))
8 eighteen members. Eleven members of the commission shall be appointed
9 by the governor and shall serve at the governor's pleasure.
10 ((Membership)) The members appointed by the governor shall reflect the
11 interests of business, builders and developers, rural landowners,
12 agriculture, labor, the environment, neighborhood groups, ((other
13 citizens, the legislature)) the public, cities, counties, and federally
14 recognized Indian tribes. Four members shall be appointed by the
15 legislature, one member to be appointed by each of the two largest
16 caucuses in the senate and one member to be appointed by each of the
17 two largest caucuses in the house of representatives. The members
18 appointed by the legislature are not required to be members of the
19 legislature. Members shall have substantial experience in matters

1 relating to land use and environmental planning and regulation, and
2 shall have the ability to work toward cooperative solutions among
3 diverse interests. The director of the department of community, trade,
4 and economic development, or the director's designee, shall be a member
5 (~~and shall serve as chair of the commission~~). The director of the
6 department of ecology, or the director's designee, and the secretary of
7 the department of transportation, or the secretary's designee, shall
8 also be members of the commission. The governor shall appoint the
9 chair of the commission. Staff for the commission shall be provided by
10 the department of community, trade, and economic development, with
11 additional staff to be provided by other state agencies and the
12 legislature, as may be required. State agencies shall provide the
13 commission with information and assistance as needed.

14 (2) Members serving on the commission on the effective date of this
15 act shall continue to serve until they are replaced or resign. New
16 appointments and replacement appointments may be staggered to allow for
17 an orderly transition of new members.

18 **Sec. 2.** RCW 90.61.030 and 1995 c 347 s 803 are each amended to
19 read as follows:

20 The commission shall convene commencing June 1, 1995, and shall
21 complete its work by June 30, (~~1998~~) 2002. The commission shall
22 submit a report to the governor and the legislature stating its
23 findings, conclusions, and recommendations not later than November 1 of
24 each year. The commission shall submit its final report to the
25 governor and the legislature not later than November 1, (~~1997~~) 2001.

26 **Sec. 3.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to
27 read as follows:

28 The commission shall:

29 (1) Consider the effectiveness of state and local government
30 efforts to consolidate and integrate the growth management act, the
31 state environmental policy act, the shoreline management act, and other
32 land use, planning, environmental, and permitting laws.

33 (2) Identify the revisions and modifications needed in state land
34 use, planning, and environmental law and practice to adequately plan
35 for growth and achieve economically and environmentally sustainable
36 development, to improve the efficiency and effectiveness of those laws,
37 to adequately assess environmental impacts of comprehensive plans,

1 development regulations, and growth, to finance necessary
2 infrastructure, and to reduce the time and cost of obtaining project
3 permits.

4 (3) Draft a consolidated land use procedure, following these
5 guidelines:

6 (a) Conduct land use planning through the comprehensive planning
7 process under chapter 36.70A RCW rather than through review of
8 individual projects;

9 (b) Involve diverse sectors of the public in the planning process.
10 Early and informal environmental analysis should be incorporated into
11 planning and decision making;

12 (c) Recognize that different questions need to be answered and
13 different levels of detail applied at each planning phase, from the
14 initial development of plan concepts or plan elements to implementation
15 programs;

16 (d) Integrate and combine to the fullest extent possible the
17 processes, analysis, and documents currently required under chapters
18 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent
19 implementation will incorporate measures to promote the environmental,
20 economic, and other goals and to mitigate undesirable or unintended
21 adverse impacts on a community's quality of life;

22 (e) Focus environmental review and the level of detail needed for
23 different stages of plan and project decisions on the environmental
24 considerations most relevant to that stage of the process;

25 (f) Avoid duplicating review that has occurred for plan decisions
26 when specific projects are proposed;

27 (g) Use environmental review on projects to: (i) Review and
28 document consistency with comprehensive plans and development
29 regulations; (ii) provide prompt and coordinated review by agencies,
30 tribes, and the public on compliance with applicable environmental laws
31 and plans, including mitigation for site specific project impacts that
32 have not been considered and addressed at the plan or development
33 regulation level; and (iii) ensure accountability by local government
34 to applicants and the public for requiring and implementing mitigation
35 measures;

36 (h) Maintain or improve the quality of environmental analysis both
37 for plan and for project decisions, while integrating these analyses
38 with improved state and local planning and permitting processes;

1 (i) Examine existing land use and environmental permits for
2 necessity and utility. To the extent possible, existing permits should
3 be combined into fewer permits, assuring that the values and principles
4 intended to be protected by those permits remain protected; and

5 (j) Consolidate local government appeal processes to allow a single
6 appeal of permits at local government levels, a single state level
7 administrative appeal, and a final judicial appeal.

8 ~~(4) ((Monitor instances state wide of the vesting of project permit
9 applications during the period that an appeal is pending before a
10 growth management hearings board, as authorized under RCW 36.70A.300.
11 The commission shall also review the extent to which such vesting
12 results in the approval of projects that are inconsistent with a
13 comprehensive plan or development regulation provision ultimately found
14 to be in compliance with a board's order or remand. The commission
15 shall analyze the impact of such approvals on ensuring the attainment
16 of the goals and policies of chapter 36.70A RCW, and make
17 recommendations to the governor and the legislature on statutory
18 changes to address any adverse impacts from the provisions of RCW
19 36.70A.300. The commission shall provide an initial report on its
20 findings and recommendations by November 1, 1995, and submit its
21 further findings and recommendations subsequently in the reports
22 required under RCW 90.61.030.~~

23 ~~(5))~~ Monitor local government consolidated permit procedures and
24 the effectiveness of the timelines established by RCW 36.70B.090. The
25 commission shall include in its report submitted to the governor and
26 the legislature on November 1, ~~((1997))~~ 1999, its recommendation about
27 what timelines, if any, should be imposed on the local government
28 consolidated permit process required by chapter 36.70B RCW.

29 ~~((6) Evaluate funding mechanisms that will enable local
30 governments to pay for and recover the costs of conducting integrated
31 planning and environmental analysis. The commission shall include its
32 conclusions in its first report to the legislature on November 1, 1995,
33 and include any recommended statutory changes.~~

34 ~~(7) Study, in cooperation with the state board for registration of
35 professional engineers and the state building code council, ways in
36 which state agencies and local governments could authorize
37 professionals with appropriate qualifications to certify a project's
38 compliance with certain state and local land use and environmental
39 requirements. The commission shall report to the legislature on~~

1 measures necessary to implement such a system of professional
2 certification.

3 ~~These guidelines are intended to guide the work of the commission,~~
4 ~~without limiting its charge to integrate and consolidate Washington's~~
5 ~~land use and environmental laws into a single, manageable statutory~~
6 ~~framework.))~~

7 (5) Review long-term approaches for resolving land use and
8 environmental disputes that arise under the growth management act, the
9 shoreline management act, and other land use and environmental laws.

10 (6) Evaluate the effect of the 1997 amendments to chapter 36.70A
11 RCW by chapter 429, Laws of 1997 relating to changes in the standard of
12 review and in the rural element required by RCW 36.70A.070.

13 (7) Conduct such other studies or tasks as directed by the governor
14 or the legislature.

15 **Sec. 4.** RCW 90.61.900 and 1995 c 347 s 806 are each amended to
16 read as follows:

17 ~~((Sections 801 through 805 of this act shall))~~ RCW 90.61.010
18 through 90.61.050 expire June 30, ~~((1998))~~ 2002.

19 NEW SECTION. **Sec. 5.** The sum of dollars, or as much
20 thereof as may be necessary, is appropriated for the fiscal year ending
21 June 30, 1999, from the general fund to the department of community,
22 trade, and economic development for the purposes of this act.

23 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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