
Local Government Committee

SB 5307

Brief Description: Requiring local governments to issue project permits in a timely manner.

Sponsors: Senators Mulliken, Finkbeiner, Stevens, McCaslin, Hale and Esser.

Brief Summary of Bill

- Requires local governments planning under the Growth Management Act to issue a notice of final decision on a project within 120 days unless specific extension criteria are met.

Hearing Date: 4/2/03

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major GMA requirements. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Local Project Review

In 1995 the Legislature enacted environmental regulatory reform legislation (i.e., ESHB 1724, enacted as ch. 347, Laws of 1995). The legislation, which implemented recommendations of the Governor's Task Force on Regulatory Reform, established for GMA jurisdictions an integrated project review process and a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. The legislation required GMA jurisdictions to issue a final permit decision within 120 days after the applicant was notified that the application is complete unless specific extension criteria were met. Additionally, the legislation included a local government liability waiver for damages

due to a GMA jurisdiction's failure to make a final decision within the 120-day period.

The 120-day permit period and the local government liability waiver expired on June 30, 2000.

Legislation was enacted in 2001 (i.e., ESHB 1458, enacted as ch. 322, Laws of 2001) establishing that time periods for actions by GMA jurisdictions on project permit applications should not exceed 120 days unless the local government makes written findings that a specified amount of additional time is needed for processing of specific complete project permit applications or projects types.

The GMA requires six western Washington counties and the cities within those counties to establish a review and evaluation program (i.e. "buildable lands") to:

- determine whether a county and its cities are achieving urban densities by comparing growth and development *assumptions* of county-wide planning policies and comprehensive plans with *actual* county and city growth and development; and
- identify reasonable measures that will be taken to comply with the requirements of the GMA.

If the evaluation demonstrates an inconsistency between what has occurred since the adoption of county-wide planning policies, comprehensive plans, development regulations, and what was envisioned, the local government must adopt and implement measures to increase consistency during the subsequent 5-year period.

Counties subject to the buildable lands review and evaluation program (i.e., Snohomish, King, Pierce, Kitsap, Thurston, and Clark counties), and the cities within those counties with a population of at least 20,000 must identify the types of project permit applications for which decisions are issued, and must establish deadlines for issuing notices of final decisions and minimum requirements for complete applications. These jurisdictions also must, through September 1, 2003, prepare annual performance reports for each type of project permit application.

The jurisdictions subject to the performance report requirements must provide notice of and access to the reports through their Web sites or other reasonable methods if a jurisdiction does not maintain a Web site.

Summary of Bill:

Except as provided, a GMA jurisdiction must issue its notice of final decision on a project permit application within 120 days after notifying the applicant that the application is complete. If the GMA jurisdiction is unable to issue its final decision within the established time limit criteria, the permit application must be deemed approved. If no notice of final decision is issued to the applicant within the specified time limits, the written determination of a completed application is conclusive evidence of project approval.

The 120 day time limit is applicable to all completed project permit applications except:

- any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information;
- any period during which an environmental impact statement is being prepared following a determination of significance under the State Environmental Policy Act if specific time limit provisions have been satisfied;
- any period for administrative appeals of project permits if specific appeals and time limit provisions have been satisfied; and
- any extension of time mutually agreed upon by the applicant and the local government.

The 120-day requirement and these associated exemptions do not apply to project permit applications requiring an amendment to a comprehensive plan or development regulation, and projects requiring approval of new fully contained communities, master planned resorts, or essential public facilities. Furthermore, the 120-day time period must begin again following a substantial project revision by the applicant.

An advisory group must be established by the Legislature to review and make recommendations to the local project review procedures of chapter 36.70B RCW. Appointment criteria for the 12-member group is specified. Staff for the advisory group must be provided by state agencies and the Legislature, as may be required.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.