

2 **SB 6628** - S AMD S5290.1 - 126
3 By Senators Haugen and Winsley

4 ADOPTED 2/12/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
8 resolution of disputes between private property owners and government
9 has a unique character. These disputes are between citizens with
10 limited resources and the government that serves them, which has
11 relatively unlimited resources.

12 The legislature further recognizes that the availability of a
13 variety of alternative means of dispute resolution is of benefit to the
14 citizens of this state.

15 The legislature intends to establish and fund a pilot project
16 designed to bridge the transitional period required to develop a long
17 range, public-private partnership for mediated settlement of property
18 rights disputes in the state of Washington.

19 **Sec. 2.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to
20 read as follows:

21 The commission shall:

22 (1) Consider the effectiveness of state and local government
23 efforts to consolidate and integrate the growth management act, the
24 state environmental policy act, the shoreline management act, and other
25 land use, planning, environmental, and permitting laws.

26 (2) Identify the revisions and modifications needed in state land
27 use, planning, and environmental law and practice to adequately plan
28 for growth and achieve economically and environmentally sustainable
29 development, to adequately assess environmental impacts of
30 comprehensive plans, development regulations, and growth, and to reduce
31 the time and cost of obtaining project permits.

32 (3) Draft a consolidated land use procedure, following these
33 guidelines:

1 (a) Conduct land use planning through the comprehensive planning
2 process under chapter 36.70A RCW rather than through review of
3 individual projects;

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

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

11 (d) Integrate and combine to the fullest extent possible the
12 processes, analysis, and documents currently required under chapters
13 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent
14 implementation will incorporate measures to promote the environmental,
15 economic, and other goals and to mitigate undesirable or unintended
16 adverse impacts on a community's quality of life;

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

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

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

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

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

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

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

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

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

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

38 (8) Consider ways for reducing conflicts over specific development
39 projects, the siting of essential public facilities, and the

1 establishment and revision of local plans and official controls and,
2 for those disputes that do arise, examine how to encourage their
3 settlement through alternative dispute resolution.

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

8 NEW SECTION. Sec. 3. The land use study commission shall report
9 to the government operations committees of the house of representatives
10 and the senate by July 1, 1997, on RCW 90.61.040(8).

11 NEW SECTION. Sec. 4. Section 2 of this act expires June 30,
12 1998."

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16 On page 1, line 1 of the title, after "resolution;" strike the
17 remainder of the title and insert "amending RCW 90.61.040; creating new
18 sections; and providing an expiration date."

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