

# FINAL BILL REPORT

## ESSB 5776

---

---

C 393 L 03  
Synopsis as Enacted

**Brief Description:** Providing an appeal process for state agency and local government permit decisions for economic development projects.

**Sponsors:** Senate Committee on Land Use & Planning (originally sponsored by Senators Doumit, Morton, Hargrove, Mulliken, Rasmussen, Swecker, Haugen, Zarelli, Reardon, Parlette, McAuliffe and Winsley).

**Senate Committee on Land Use & Planning**  
**Senate Committee on Ways & Means**  
**House Committee on State Government**  
**House Committee on Appropriations**

**Background:** Under current statutes, numerous environmental and land use permits may be required from state and local agencies for a single development project proposal. Each permit requires a separate application, review process, and decision. Separate statutory provisions may apply for appeal of the final permit decisions. In 2002, the Legislature found that a coordinated permitting process, subject to the applicable environmental laws, is vital to the state's economic well-being. The 2002 Legislature created a permit coordination option for project applicants, administered by the Office of Permit Assistance by written agreement with the project applicant and participating state agencies. Existing permit decision and appeal procedures are unaffected by the project permit coordination.

**Summary:** A uniform, expedited, and coordinated permit appeal process is authorized for qualifying projects (1) located in counties designated as distressed areas and rural natural resources impact areas as defined in statute, (2) providing at least 30 full-time jobs, and (3) designated as qualifying projects by the Office of Permit Assistance. Certain permits, including certifications by the Energy Facility Site Evaluation Council and local health districts, are exempt. If applicable, this appeal process is the exclusive process for review of final state agency and local government environmental and land use permit decisions on the qualifying project. All existing environmental and land use permit review processes and standards are unaffected and remain intact.

A project applicant must request designation as a qualifying project by the office within 30 days after the first permit application for the project after the effective date of the act, but no later than December 31, 2010. The office must make a determination on the request, and, if designated, must notify permit agencies and the public of the designation.

Permit decision appeals for a qualifying project are consolidated before a single board within the Environmental Hearings Office. Board membership is constituted as the Shorelines Hearings Board. Board procedures, timelines, and standards of review are set forth. If the agency permit decision included a quasi-judicial hearing, then the board review is on the

agency decision record. If no hearing was included, then the board conducts a de novo review of the permit decision.

Appeals from the board decision on the qualifying project are filed in superior court for Thurston County, but the superior court must certify the appeal for direct review by the Court of Appeals (with jurisdiction for the county in which the project is located) if the superior court makes certain factual determinations as set forth in the bill.

**Votes on Final Passage:**

Senate	45	4	
House	88	8	(House amended)
Senate	31	17	(Senate concurred)

**Effective:** May 20, 2003