
ENGROSSED SENATE BILL 6628

State of Washington 54th Legislature 1996 Regular Session

By Senators Haugen, Winsley, McCaslin, Heavey, Sheldon, Wood, Hale, Drew, Rasmussen, Loveland and Oke

Read first time 01/19/96. Referred to Committee on Government Operations.

1 AN ACT Relating to property rights dispute resolution; amending RCW
2 90.61.040; creating new sections; and providing an expiration date.

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

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

9 The legislature further recognizes that the availability of a
10 variety of alternative means of dispute resolution is of benefit to the
11 citizens of this state.

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

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

18 The commission shall:

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

5 (2) Identify the revisions and modifications needed in state land
6 use, planning, and environmental law and practice to adequately plan
7 for growth and achieve economically and environmentally sustainable
8 development, to adequately assess environmental impacts of
9 comprehensive plans, development regulations, and growth, and to reduce
10 the time and cost of obtaining project permits.

11 (3) Draft a consolidated land use procedure, following these
12 guidelines:

13 (a) Conduct land use planning through the comprehensive planning
14 process under chapter 36.70A RCW rather than through review of
15 individual projects;

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

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

23 (d) Integrate and combine to the fullest extent possible the
24 processes, analysis, and documents currently required under chapters
25 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent
26 implementation will incorporate measures to promote the environmental,
27 economic, and other goals and to mitigate undesirable or unintended
28 adverse impacts on a community's quality of life;

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

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

34 (g) Use environmental review on projects to: (i) Review and
35 document consistency with comprehensive plans and development
36 regulations; (ii) provide prompt and coordinated review by agencies,
37 tribes, and the public on compliance with applicable environmental laws
38 and plans, including mitigation for site specific project impacts that
39 have not been considered and addressed at the plan or development

1 regulation level; and (iii) ensure accountability by local government
2 to applicants and the public for requiring and implementing mitigation
3 measures;

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

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

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

14 (4) Monitor instances state-wide of the vesting of project permit
15 applications during the period that an appeal is pending before a
16 growth management hearings board, as authorized under RCW 36.70A.300.
17 The commission shall also review the extent to which such vesting
18 results in the approval of projects that are inconsistent with a
19 comprehensive plan or development regulation provision ultimately found
20 to be in compliance with a board's order or remand. The commission
21 shall analyze the impact of such approvals on ensuring the attainment
22 of the goals and policies of chapter 36.70A RCW, and make
23 recommendations to the governor and the legislature on statutory
24 changes to address any adverse impacts from the provisions of RCW
25 36.70A.300. The commission shall provide an initial report on its
26 findings and recommendations by November 1, 1995, and submit its
27 further findings and recommendations subsequently in the reports
28 required under RCW 90.61.030.

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

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

1 (7) Study, in cooperation with the state board for registration of
2 professional engineers and the state building code council, ways in
3 which state agencies and local governments could authorize
4 professionals with appropriate qualifications to certify a project's
5 compliance with certain state and local land use and environmental
6 requirements. The commission shall report to the legislature on
7 measures necessary to implement such a system of professional
8 certification.

9 (8) Consider ways for reducing conflicts over specific development
10 projects, the siting of essential public facilities, and the
11 establishment and revision of local plans and official controls and,
12 for those disputes that do arise, examine how to encourage their
13 settlement through alternative dispute resolution.

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

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

21 NEW SECTION. Sec. 4. Section 2 of this act expires June 30, 1998.

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