

SENATE BILL REPORT

SB 6693

As Reported By Senate Committee On:
Land Use & Planning, February 5, 2004

Title: An act relating to appeals and reviews of permit decisions under chapter 43.21L RCW.

Brief Description: Requiring review under chapter 43.21L RCW to be conducted by superior courts.

Sponsors: Senator Mulliken.

Brief History:

Committee Activity: Land Use & Planning: 2/5/04 [DP-WM, DNP].

SENATE COMMITTEE ON LAND USE & PLANNING

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

Minority Report: Do not pass.
Signed by Senator Kline.

Staff: Genevieve Pisarski (786-7488)

Background: In 2003, a consolidated permit appeal process was authorized for certain qualifying economic development projects in order to expedite appeals and help the projects be implemented within a reasonable amount of time. If used, it is the exclusive process for review of environmental and land use permit decisions. To qualify, projects must be located in a distressed and natural resource impact county, provide at least 30 full-time jobs, and be certified by the Office of Regulatory Assistance.

The Environmental and Land Use Hearings Board has been created to hear the consolidated appeals. Procedures, schedules, standards of review, and requirements for judicial review have been adopted. To date, two qualifying projects have been certified, but neither has had all of its final permit decisions issued. Two permit appeals have been filed and are waiting for the other final permit decisions on that project and any ensuing appeals, in order to proceed with the consolidated appeal process.

Summary of Bill: The Legislature declares its intent to reduce redundant review of permit decisions.

The Environmental and Land Use Hearings Board is eliminated. The consolidated permit appeal process takes place in the superior court of the county where the qualifying project is located.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: The board should not be abolished. Superior courts do not have the expertise of the Environmental Hearings Office, and they are not as fast or as user-friendly.

Testified: Sue Mauermann, Ecology (con).

Signed In/Did Not Testify: Kristen Sawin, AWB (pro).