

2 **SHB 2344 - H AMD 828 ADOPTED 2-10-98**

3 By Representative Reams

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5 On page 5, after line 2, insert the following:

6 "Sec. 7. RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are
7 each reenacted and amended to read as follows:

8 (1) Not later than April 1, 1996, a local government planning under
9 RCW 36.70A.040 shall provide a notice of application to the public and
10 the departments and agencies with jurisdiction as provided in this
11 section. If a local government has made a threshold determination
12 under chapter 43.21C RCW concurrently with the notice of application,
13 the notice of application may be combined with the threshold
14 determination and the scoping notice for a determination of
15 significance. Nothing in this section prevents a determination of
16 significance and scoping notice from being issued prior to the notice
17 of application. Nothing in this section or this chapter prevents a
18 lead agency, when it is a project proponent or is funding a project,
19 from conducting its review under chapter 43.21C RCW or from allowing
20 appeals of procedural determinations prior to submitting a project
21 permit application.

22 (2) The notice of application shall be provided within fourteen
23 days after the determination of completeness as provided in RCW
24 36.70B.070 and, except as limited by the provisions of subsection
25 (4)(b) of this section, shall include the following in whatever
26 sequence or format the local government deems appropriate:

27 (a) The date of application, the date of the notice of completion
28 for the application, and the date of the notice of application;

29 (b) A description of the proposed project action and a list of the
30 project permits included in the application and, if applicable, a list
31 of any studies requested under RCW 36.70B.070 or 36.70B.090;

32 (c) The identification of other permits not included in the
33 application to the extent known by the local government;

34 (d) The identification of existing environmental documents that
35 evaluate the proposed project, and, if not otherwise stated on the
36 document providing the notice of application, such as a city land use

1 bulletin, the location where the application and any studies can be
2 reviewed;

3 (e) A statement of the public comment period, which shall be not
4 less than fourteen nor more than thirty days following the date of
5 notice of application, and statements of the right of any person to
6 comment on the application, receive notice of and participate in any
7 hearings, request a copy of the decision once made, and any appeal
8 rights. A local government may accept public comments at any time
9 prior to the closing of the record of an open record predecision
10 hearing, if any, or, if no open record predecision hearing is provided,
11 prior to the decision on the project permit;

12 (f) The date, time, place, and type of hearing, if applicable and
13 scheduled at the date of notice of the application;

14 (g) A statement of the preliminary determination, if one has been
15 made at the time of notice, of those development regulations that will
16 be used for project mitigation and of consistency as provided in RCW
17 36.70B.030(2) and 36.70B.040; and

18 (h) Any other information determined appropriate by the local
19 government.

20 (3) If an open record predecision hearing is required for the
21 requested project permits, the notice of application shall be provided
22 at least fifteen days prior to the open record hearing.

23 (4) A local government shall use reasonable methods to give the
24 notice of application to the public and agencies with jurisdiction and
25 may use its existing notice procedures. A local government may use
26 different types of notice for different categories of project permits
27 or types of project actions. If a local government by resolution or
28 ordinance does not specify its method of public notice, the local
29 government shall use the methods provided for in (a) and (b) of this
30 subsection. Examples of reasonable methods to inform the public are:

31 (a) Posting the property for site-specific proposals;

32 (b) Publishing notice, including at least the project location,
33 description, type of permit(s) required, comment period dates, and
34 location where the notice of application required by subsection (2) of
35 this section and the complete application may be reviewed, in the
36 newspaper of general circulation in the general area where the proposal
37 is located or in a local land use newsletter published by the local
38 government;

1 (c) Notifying public or private groups with known interest in a
2 certain proposal or in the type of proposal being considered;

3 (d) Notifying the news media;

4 (e) Placing notices in appropriate regional or neighborhood
5 newspapers or trade journals;

6 (f) Publishing notice in agency newsletters or sending notice to
7 agency mailing lists, either general lists or lists for specific
8 proposals or subject areas; and

9 (g) Mailing to neighboring property owners.

10 (5) A notice of application shall not be required for project
11 permits that are categorically exempt under chapter 43.21C RCW, unless
12 an open record predecision hearing is required or an open record appeal
13 hearing is allowed on the project permit decision.

14 (6) A local government shall integrate the permit procedures in
15 this section with its environmental review under chapter 43.21C RCW as
16 follows:

17 (a) Except for a threshold determination and except as otherwise
18 expressly allowed in this section, the local government may not issue
19 its decision or a recommendation on a project permit until the
20 expiration of the public comment period on the notice of application.

21 (b) If an open record predecision hearing is required, the local
22 government shall issue its threshold determination at least fifteen
23 days prior to the open record predecision hearing.

24 (c) Comments shall be as specific as possible.

25 (d) A local government is not required to provide for
26 administrative appeals of its threshold determination. If provided, an
27 administrative appeal shall be filed within fourteen days after notice
28 that the determination has been made and is appealable. Except as
29 otherwise expressly provided in this section, the appeal hearing on a
30 determination of nonsignificance shall be consolidated with any open
31 record hearing on the project permit.

32 (7) At the request of the applicant, a local government may combine
33 any hearing on a project permit with any hearing that may be held by
34 another local, state, regional, federal, or other agency, if:

35 (a) The hearing is held within the geographic boundary of the local
36 government; and

37 (b) The joint hearing can be held within the time periods specified
38 in RCW 36.70B.090 or the applicant agrees to the schedule in the event
39 that additional time is needed in order to combine the hearings. All

1 agencies of the state of Washington, including municipal corporations
2 and counties participating in a combined hearing, are hereby authorized
3 to issue joint hearing notices and develop a joint format, select a
4 mutually acceptable hearing body or officer, and take such other
5 actions as may be necessary to hold joint hearings consistent with each
6 of their respective statutory obligations.

7 (8) All state and local agencies shall cooperate to the fullest
8 extent possible with the local government in holding a joint hearing if
9 requested to do so, as long as:

10 (a) The agency is not expressly prohibited by statute from doing
11 so;

12 (b) Sufficient notice of the hearing is given to meet each of the
13 agencies' adopted notice requirements as set forth in statute,
14 ordinance, or rule; and

15 (c) The agency has received the necessary information about the
16 proposed project from the applicant to hold its hearing at the same
17 time as the local government hearing.

18 (9) A local government is not required to provide for
19 administrative appeals. If provided, an administrative appeal of the
20 project decision and of any environmental determination((7)) shall be
21 filed within fourteen days after the notice of the decision or after
22 other notice that the decision has been made and is appealable. The
23 local government shall extend the appeal period for an additional seven
24 days, if state or local rules adopted pursuant to chapter 43.21C RCW
25 allow public comment on a determination of nonsignificance issued as
26 part of the appealable project permit decision.

27 (10) The applicant for a project permit is deemed to be a
28 participant in any comment period, open record hearing, or closed
29 record appeal.

30 (11) Each local government planning under RCW 36.70A.040 shall
31 adopt procedures for administrative interpretation of its development
32 regulations."

33 Renumber the sections consecutively and correct the title and any
34 internal references accordingly.

1 EFFECT: Reenacts and amends language to achieve consistency with
2 the intent of double amendment of section.

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