

HOUSE BILL REPORT

HB 1591

As Reported By House Committee On:
Government Reform & Land Use

Title: An act relating to local project review.

Brief Description: Concerning local project review under the growth management act.

Sponsors: Representatives Reams, Mulliken, Sherstad, Cairnes and Thompson.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/10/97, 2/24/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Fisher; Gardner; Mielke; Mulliken and Thompson.

Staff: Kimberly Klaiber (786-7156).

Background: In 1995, the Legislature amended the Growth Management Act to integrate permit procedures and environmental review required under the State Environmental Policy Act (SEPA).

Under SEPA, when a local government receives a project permit application it must provide a notice of application to the public and the appropriate departments and agencies. The notice must contain, among other things, a description of the proposed project action, a list of the project permits included in the application, and a statement of the public comment period and the time and place of a hearing (if one is scheduled). "Project permit" means any land use or environmental permit or license required from a local government for a project action, including building permits, subdivisions, and others, but not including comprehensive plans or development regulations.

SEPA also requires local governments and state agencies to prepare a detailed statement, or environmental impact statement (EIS), if a proposed action may have a

probable significant, adverse impact on the environment. Local governments and state agencies must make a *threshold determination* on a completed project application as to whether a probable significant adverse environmental impact may result from the project as proposed, which involves notice of the proposed action and a public comment period. An EIS must only be prepared if a local government makes a determination or declaration of significance (that is to say, determines that a probable significant adverse environmental impact will result from a proposed action). If the local government makes a *determination of significance*, it may issue its threshold determination or issue a decision or a recommendation on a project permit before the expiration of the public comment period.

Summary of Substitute Bill: If a county or city is the lead agency for a project proposal and has a reasonable basis for determining that significant adverse environmental impacts are unlikely, it may consolidate the notice of application public comment period and the threshold determination public comment period into one. If a local government chooses to use that process, it must state on the notice of application that it expects to issue a determination of nonsignificance and that there will only be one opportunity for public comment.

Substitute Bill Compared to Original Bill: The substitute bill deletes language allowing a local government to issue its threshold determination on a project proposal prior to the expiration of the statutory public comment period if the local government makes a *determination of nonsignificance*; and adds a provision for consolidating two public comment periods into one if a significant adverse environmental impact is unlikely.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It will reduce the waiting period for project permits.

Testimony Against: This may not actually speed up the process. By including both determinations of significance and nonsignificance, there is no longer a need to abide by a public comment period.

Testified: Representative Reams, prime sponsor (pro); Paul Parker, Washington State Association of Counties (pro); Joe Daniels, city of SeaTac (pro); Scott Merriman, Washington Environmental Council (con); and Mike Ryherd, 1,000 Friends of Washington (concerns).