

HOUSE BILL ANALYSIS

SSB 5462

- Title:** An act relating to local government permit timelines.
- Brief Description:** Changes local government permit timeline provisions.
- Sponsors:** Senators Hale, Anderson, Haugen, Patterson, Goings, McCaslin and Winsley
- Hearing Date:** March 24, 1997

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. The threshold determination process involves notice of the proposed action and a public comment period.

An EIS must only be prepared if a local government makes a *determination of significance* (that is to say, determines that a probable significant, adverse environmental impact will result from a proposed action). The lead agency on a local government action that has resulted in a *determination of significance* (DS) must narrow the scope of every EIS to the probable significant, adverse impacts and reasonable alternatives, including mitigation measures (scoping-). The lead agency must then initiate a 21-day public comment period on the DS where agency representatives, tribes, and the public may comment and address significant environmental issues.

If the local government has made a DS concurrently with the notice of application, it must combine the notice of application with the DS and scoping notice. A local government may issue a DS on a project permit *before* the expiration of the public comment period.

Summary of Bill:

When a local government makes a threshold determination (either a determination of *significance* (DS) or a determination of *nonsignificance* (DNS) concurrently with the notice of application, the notice of application **may** be combined with the threshold determination. If there is a DS, the notice of application **may** be combined with the determination of significance *and* the scoping notice. The local government may issue a decision or a recommendation on a project permit prior to the expiration of the public comment period on the notice of application for any threshold determination.

The effect of the optional combined notice of application/threshold determination is to eliminate the second public notice periods (anywhere from 14 to 30 days) from the project timeline.

Fiscal Note: Not requested.

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