

# SENATE BILL REPORT

## SSB 5462

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As Passed Senate, March 11, 1997

**Title:** An act relating to local government permit timelines.

**Brief Description:** Changing local government permit timeline provisions.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Hale, Anderson, Haugen, Patterson, Goings, McCaslin and Winsley).

**Brief History:**

**Committee Activity:** Government Operations: 2/6/97, 2/20/97 [DPS].  
Passed Senate, 3/11/97, 41-6.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** That Substitute Senate Bill No. 5462 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Haugen, Horn and Patterson.

**Staff:** Kathleen Healy (786-7403)

**Background:** When a project permit application is sought for any land use or environmental permit required from a local government for a project action, a local government that is planning under the Growth Management Act (GMA) must provide appropriate notification of the application to the public. If the local government determines that the project will have a significant impact pursuant to the State Environmental Policy Act (SEPA), the notice of application must be provided along with the determination of significance (DS). The notice of application is provided within 14 days after the permit application is considered complete.

The local government may not issue a decision or recommendation on a project permit until the public comment period has expired, with the exception of the DS.

Under the Land Use Petition Act, an applicant may appeal a final land use decision by a local jurisdiction. The land use petition must be timely filed with the court and timely served on the appropriate parties. The appeal is timely if it is filed and served on all appropriate parties within 21 days of the issuance of the land use decision.

Concern has been expressed with regard to the timelines and the duplication of notices when a local government makes a determination of nonsignificance (DNS) in connection with a permit application. In these situations, a notice of application must be issued for a project, followed by a public comment period of 14 to 30 days before a DNS may be issued. A second public notice is issued with the DNS, and the local government generally must wait an additional 15 days after the issuance of the DNS before a permit can be issued.

**Summary of Bill:** The determination by the local government in connection with a permit application is expanded to a threshold determination of either significance and nonsignificance. The notice of application may be combined with issuance and public notice of a DS or DNS, eliminating the need for two public notices, and eliminating 14 to 30 days from the project timeline.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This allows counties who can process these permits faster to do so. Some counties experience a longer time frame. ESHB 1724 has some unexpected consequences, which this will help fix.

**Testimony Against:** This bill will not accomplish what is intended. This is flexibility which does not make sense. Changing the appeal period to 21 days was originally arrived at as a compromise. The time frame was intended to apply to all land use decision appeals in order to achieve consistency. Attorneys need time to review the record and draft the petition.

**Testified:** PRO: Senator Hale, prime sponsor; Paul Parker, Washington Association of Counties; Larry Frazier; CON: Mike Ryland; Pat Schneider.

**House Amendment(s):** A local government is allowed to pass an ordinance exempting all building permit applications which are consistent with a local government comprehensive plan and development regulations from the SEPA notice of application process. The exemption is only permissible if the applicable section of the comprehensive plan or development regulations is not subject to an invalidity order. An exemption only applies to building permit applications for which a public comment period or an open record predecision hearing is not required.