
SUBSTITUTE HOUSE BILL 1591

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams, Mulliken, Sherstad, Cairnes and Thompson)

Read first time 02/28/97.

1 AN ACT Relating to local project review; and amending RCW
2 36.70B.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70B.110 and 1995 c 347 s 415 are each amended to
5 read as follows:

6 (1) Not later than April 1, 1996, a local government planning under
7 RCW 36.70A.040 shall provide a notice of application to the public and
8 the departments and agencies with jurisdiction as provided in this
9 section. If a local government has made a determination of
10 significance under chapter 43.21C RCW concurrently with the notice of
11 application, the notice of application shall be combined with the
12 determination of significance and scoping notice. Nothing in this
13 section prevents a determination of significance and scoping notice
14 from being issued prior to the notice of application.

15 (2) The notice of application shall be provided within fourteen
16 days after the determination of completeness as provided in RCW
17 36.70B.070 and include the following in whatever sequence or format the
18 local government deems appropriate:

- 1 (a) The date of application, the date of the notice of completion
2 for the application, and the date of the notice of application;
- 3 (b) A description of the proposed project action and a list of the
4 project permits included in the application and, if applicable, a list
5 of any studies requested under RCW 36.70B.070 or 36.70B.090;
- 6 (c) The identification of other permits not included in the
7 application to the extent known by the local government;
- 8 (d) The identification of existing environmental documents that
9 evaluate the proposed project, and, if not otherwise stated on the
10 document providing the notice of application, such as a city land use
11 bulletin, the location where the application and any studies can be
12 reviewed;
- 13 (e) A statement of the public comment period, which shall be not
14 less than fourteen nor more than thirty days following the date of
15 notice of application, and statements of the right of any person to
16 comment on the application, receive notice of and participate in any
17 hearings, request a copy of the decision once made, and any appeal
18 rights. A local government may accept public comments at any time
19 prior to the closing of the record of an open record predecision
20 hearing, if any, or, if no open record predecision hearing is provided,
21 prior to the decision on the project permit;
- 22 (f) The date, time, place, and type of hearing, if applicable and
23 scheduled at the date of notice of the application;
- 24 (g) A statement of the preliminary determination, if one has been
25 made at the time of notice, of those development regulations that will
26 be used for project mitigation and of consistency as provided in RCW
27 36.70B.040; and
- 28 (h) Any other information determined appropriate by the local
29 government.
- 30 (3) If an open record predecision hearing is required for the
31 requested project permits, the notice of application shall be provided
32 at least fifteen days prior to the open record hearing.
- 33 (4) A local government shall use reasonable methods to give the
34 notice of application to the public and agencies with jurisdiction and
35 may use its existing notice procedures. A local government may use
36 different types of notice for different categories of project permits
37 or types of project actions. If a local government by resolution or
38 ordinance does not specify its method of public notice, the local

1 government shall use the methods provided for in (a) and (b) of this
2 subsection. Examples of reasonable methods to inform the public are:

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

4 (b) Publishing notice, including at least the project location,
5 description, type of permit(s) required, comment period dates, and
6 location where the complete application may be reviewed, in the
7 newspaper of general circulation in the general area where the proposal
8 is located or in a local land use newsletter published by the local
9 government;

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

12 (d) Notifying the news media;

13 (e) Placing notices in appropriate regional or neighborhood
14 newspapers or trade journals;

15 (f) Publishing notice in agency newsletters or sending notice to
16 agency mailing lists, either general lists or lists for specific
17 proposals or subject areas; and

18 (g) Mailing to neighboring property owners.

19 (5) A notice of application shall not be required for project
20 permits that are categorically exempt under chapter 43.21C RCW, unless
21 a public comment period or an open record predecision hearing is
22 required.

23 (6) A local government shall integrate the permit procedures in
24 this section with environmental review under chapter 43.21C RCW as
25 follows:

26 (a) Except for a determination of significance, the local
27 government may not issue its threshold determination, or issue a
28 decision or a recommendation on a project permit until the expiration
29 of the public comment period on the notice of application.

30 (b) If an open record predecision hearing is required and the local
31 government's threshold determination requires public notice under
32 chapter 43.21C RCW, the local government shall issue its threshold
33 determination at least fifteen days prior to the open record
34 predecision hearing.

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

36 (7)(a) If a county or city planning under RCW 36.70A.040 with an
37 integrated project review process as set forth in RCW 36.70B.060 is the
38 lead agency for a project proposal and has a reasonable basis for
39 determining that significant adverse environmental impacts are

1 unlikely, it may use the comment period on the notice of application to
2 obtain comments on the environmental impacts of the proposal. A local
3 government using this process is not required to provide a comment
4 period when a determination of nonsignificance is issued.

5 (b) The responsible official shall consider timely comments on the
6 notice of application and take any one of the following actions:

7 (i) Issue a determination of nonsignificance with no comment
8 period;

9 (ii) Issue a mitigated determination of nonsignificance;

10 (iii) Issue a determination of significance; or

11 (iv) Require additional information or studies prior to making a
12 threshold determination.

13 (c) If a lead agency uses the process set forth in (a) of this
14 subsection, the lead agency must state on the first page of the notice
15 of application that it expects to issue a determination of
16 nonsignificance for the proposal and must state clearly that the
17 optional process is being used and that there may be no other
18 opportunity to comment on the environmental impacts of the proposal.

19 (8) A local government may combine any hearing on a project permit
20 with any hearing that may be held by another local, state, regional,
21 federal, or other agency provided that the hearing is held within the
22 geographic boundary of the local government. Hearings shall be
23 combined if requested by an applicant, as long as the joint hearing can
24 be held within the time periods specified in RCW 36.70B.090 or the
25 applicant agrees to the schedule in the event that additional time is
26 needed in order to combine the hearings. All agencies of the state of
27 Washington, including municipal corporations and counties participating
28 in a combined hearing, are hereby authorized to issue joint hearing
29 notices and develop a joint format, select a mutually acceptable
30 hearing body or officer, and take such other actions as may be
31 necessary to hold joint hearings consistent with each of their
32 respective statutory obligations.

33 ((+8)) (9) All state and local agencies shall cooperate to the
34 fullest extent possible with the local government in holding a joint
35 hearing if requested to do so, as long as:

36 (a) The agency is not expressly prohibited by statute from doing
37 so;

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

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

7 (~~(9)~~) (10) A local government is not required to provide for
8 administrative appeals. If provided, an administrative appeal of the
9 project decision, combined with any environmental determinations, shall
10 be filed within fourteen days after the notice of the decision or after
11 other notice that the decision has been made and is appealable. The
12 local government shall extend the appeal period for an additional seven
13 days, if state or local rules adopted pursuant to chapter 43.21C RCW
14 allow public comment on a determination of nonsignificance issued as
15 part of the appealable project permit decision.

16 (~~(10)~~) (11) The applicant for a project permit is deemed to be a
17 participant in any comment period, open record hearing, or closed
18 record appeal.

19 (~~(11)~~) (12) Each local government planning under RCW 36.70A.040
20 shall adopt procedures for administrative interpretation of its
21 development regulations.

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