
HOUSE BILL 2897

State of Washington

56th Legislature

2000 Regular Session

By Representatives Doumit, Mulliken, Scott, Ericksen, Hatfield, Fortunato and Thomas

Read first time 01/24/2000. Referred to Committee on Local Government.

1 AN ACT Relating to enhancing efficiency in permit processes;
2 amending RCW 58.17.095; amending 1998 c 286 s 8 (uncodified); adding
3 new sections to chapter 75.20 RCW; adding new sections to chapter
4 43.21A RCW; adding a new section to chapter 47.01 RCW; creating a new
5 section; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that facilitating the
8 environmental permit process will increase citizen satisfaction and
9 compliance with state and local permit requirements. Lack of
10 coordination in the processing of permit applications causes costly
11 delays and frustration to the applicant. The public deserves a clear,
12 predictable system for land-use decisions. The legislature also finds
13 that permit issuance can be expedited by requiring state agencies and
14 local jurisdictions to coordinate their permit processes.

15 **Sec. 2.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read
16 as follows:

17 (1) A county, city, or town may adopt an ordinance providing for
18 the administrative review of a preliminary plat without a public

1 hearing (~~by adopting an ordinance providing for such administrative~~
2 ~~review~~). The ordinance may specify a threshold number of lots in a
3 subdivision above which a public hearing must be held, and may specify
4 other factors which necessitate the holding of a public hearing. (~~The~~
5 ~~administrative review process shall include~~)

6 (2) If the county, city, or town has not adopted consolidated
7 permitting procedures and time frames as provided in chapter 36.70B
8 RCW, it shall conduct administrative review of preliminary plats
9 consistent with the following minimum conditions:

10 ~~((1))~~ (a) The notice requirements of RCW 58.17.090 shall be
11 followed, except that the publication shall be made within ten days of
12 the filing of the application. Additionally, at least ten days after
13 the filing of the application notice both shall be: ~~((a))~~ (i) Posted
14 on or around the land proposed to be subdivided in at least five
15 conspicuous places designed to attract public awareness of the
16 proposal; and ~~((b))~~ (ii) mailed to the owner of each lot or parcel of
17 property located within at least three hundred feet of the site. The
18 applicant shall provide the county, city, or town with a list of such
19 property owners and their addresses. The notice shall include
20 notification that no public hearing will be held on the application,
21 except as provided by this section. The notice shall set out the
22 procedures and time limitations for persons to require a public hearing
23 and make comments.

24 ~~((2))~~ (b) Any person shall have a period of twenty days from the
25 date of the notice to comment upon the proposed preliminary plat. All
26 comments received shall be provided to the applicant. The applicant
27 has seven days from receipt of the comments to respond thereto.

28 ~~((3))~~ (c) A public hearing on the proposed subdivision shall be
29 held if any person files a request for a hearing with the county, city,
30 or town within twenty-one days of the publishing of such notice. If
31 such a hearing is requested, notice requirements for the public hearing
32 shall be in conformance with RCW 58.17.090, and the ninety-day period
33 for approval or disapproval of the proposed subdivision provided for in
34 RCW 58.17.140 shall commence with the date of the filing of the request
35 for a public hearing. Any hearing ordered under this subsection shall
36 be conducted by the planning commission or hearings officer as required
37 by county or city ordinance.

38 ~~((4))~~ (d) On its own initiative within twenty-one days of the
39 filing of the request for approval of the subdivision, the governing

1 body, or a designated employee or official, of the county, city, or
2 town, shall be authorized to cause a public hearing to be held on the
3 proposed subdivision within ninety days of the filing of the request
4 for the subdivision.

5 ~~((+5+))~~ (e) If the public hearing is waived as provided in this
6 section, the planning commission or planning agency shall complete the
7 review of the proposed preliminary plat and transmit its recommendation
8 to the legislative body as provided in RCW 58.17.100.

9 (3) If the county, city, or town has adopted consolidated
10 permitting procedures and time frames as provided in chapter 36.70B
11 RCW, it may conduct administrative review of preliminary plats
12 consistent with its procedures and time frames. At a minimum, local
13 permitting procedures and time frames related to administrative review
14 of preliminary plats shall provide for:

15 (a) Notice of application by publication, posting, and mailing.
16 All forms of notice shall include a prominent statement that no public
17 hearing will be held on the application, except as provided by this
18 section. All forms of notice shall clearly state procedures and time
19 frames for persons to make comments on the proposal and request a
20 public hearing.

21 (b) Written comments on the application by any person. Comments
22 received shall be provided to the applicant, and the applicant shall
23 have seven days from receipt of the comments to respond thereto.

24 (c) A public hearing on the application if any person files a
25 request for a hearing within the time frame specified. If a hearing is
26 requested, notice requirements for the public hearing and the time
27 frame for approval or disapproval of the application shall be
28 consistent with other local permitting procedures. Any hearing
29 conducted under this subsection shall be conducted by the planning
30 commission or hearing officer as required by local ordinance.

31 (d) A public hearing on the application if the legislative or
32 executive branch of the county, city, or town so requests within the
33 time frame specified.

34 (e) Expedited agency review and transmittal of its recommendation
35 on the application to the legislative body of the county, city, or
36 town, if there is no request for public hearing.

37 NEW SECTION. Sec. 3. A new section is added to chapter 75.20 RCW
38 to read as follows:

1 (1) The legislature finds that a pilot project to allow a county to
2 administer hydraulic permits will increase government efficiency,
3 citizen satisfaction, and compliance with state and local environmental
4 requirements. The legislature further finds that a pilot project will
5 not compromise thorough and competent environmental review.

6 (2) The department may develop a pilot project to allow a county to
7 administer hydraulic permits. The department has discretion to
8 determine which county may participate in the pilot project. No county
9 is obligated to participate in the pilot project program. The pilot
10 project shall be established by written agreement between the
11 department and the participating county. The department shall retain
12 full oversight authority and shall not delegate rule-making authority
13 during the pilot project. This section shall not apply to activities
14 and areas covered by chapter 76.09 RCW.

15 (3) The agreement shall specify the types of hydraulic permits the
16 participating county may administer. However, the county may not
17 administer hydraulic permits associated with forest practices. The
18 agreement shall incorporate, at a minimum, the regulatory standards of
19 this chapter and Title 220 WAC, provisions for a local appeals process
20 equivalent to that provided by this chapter and Title 220 WAC, and
21 provisions for effective monitoring and enforcement of the hydraulic
22 permits issued by the participating county. In addition, the agreement
23 shall incorporate the following guidelines:

24 (a) There shall be no decrease in protection of fish habitat;

25 (b) There shall be no full-time equivalent or funding shift from
26 the department to the participating county; and

27 (c) The department shall retain authority to develop programmatic
28 permits and habitat conservation plans.

29 (4) The participating county may charge permit applicants to cover
30 any additional cost of processing hydraulic permit applications,
31 including inspection and monitoring, consistent with the county's fee
32 ordinance. The department shall not seek any contribution from fees
33 collected by the participating county for services performed under the
34 agreement.

35 (a) The department and the participating county shall assemble a
36 citizen advisory panel including, at a minimum, representatives of the
37 building industry, environmental groups, and permit applicants.

38 (b) The department, with the advice and assistance of the citizen
39 advisory panel, shall analyze the development and implementation of the

1 pilot project and assess whether it merits continued and expanded
2 application to additional jurisdictions. This analysis shall consider
3 whether the pilot project results in enhanced environmental protection,
4 cost-effectiveness to both the state and the participating county, and
5 efficient service delivery to applicants. The department and the
6 advisory panel shall report the results of the pilot project to the
7 legislature by December 31, 2002. This section expires June 30, 2003.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21A RCW
9 to read as follows:

10 (1) It is the intent of this section to provide an interagency
11 forum for the discussion of significant issues related to the
12 permitting processes and use authorizations for projects that are
13 proposed on state-owned aquatic lands where there are multiple permits,
14 programs, and legal authorities involved.

15 (2) It is a goal of this section to encourage all agencies and
16 local governments involved in issuing permits or granting use
17 authorizations for a single project on state-owned aquatic lands to
18 communicate with each other on a timely basis and early in the project
19 review process in order to maximize coordination, facilitate problem
20 resolution, promote the effectiveness of permit decisions, and enhance
21 citizen understanding and involvement in the permit process. It is
22 also a goal of this section that all permitting or authorizing federal
23 and state agencies, local governments, and tribal governments be
24 involved in coordinating their respective roles related to permits or
25 use authorizations from the outset of any review process.

26 (3) For the purposes of this section, "aquatic lands" means as it
27 is defined in RCW 79.90.010.

28 (4) The applicant may submit a joint aquatic resource permit
29 application to the department if a project proposed for the use of
30 state-owned aquatic lands requires:

31 (a) A hydraulic project approval under chapter 75.20 RCW;

32 (b) A wastewater discharge permit under chapter 90.48 RCW, or a
33 federal clean water act section 401 certification; and

34 (c) A substantial development permit under chapter 90.58 RCW.

35 (5) If requested by the applicant, the department shall facilitate
36 a project scoping meeting including the project applicant, the
37 department, the department of natural resources, the department of fish
38 and wildlife, and the local governments in whose jurisdiction the

1 project is proposed. Federal agencies and tribal governments that
2 either issue or may require a permit or that may require a use
3 authorization for the project shall each be invited to name a
4 representative to participate in the coordinated permit review process
5 for proposed projects on state-owned aquatic lands. All participating
6 agencies are encouraged to remain in communication for purposes of
7 coordination throughout the permit review processes until final permit
8 decisions are made.

9 (6) The purpose of the scoping meeting is to share perspectives and
10 identify the issues and information needs of concern to each
11 participant with regard to the proposed project, and jointly develop a
12 strategy for coordinating permitting and issuance of use authorization
13 issues. This project scoping process shall be concluded within sixty
14 days of the date of receipt of the joint aquatic resource permit
15 application by the permit assistance center.

16 (a) During this review, the participating agencies shall identify:

17 (i) The specific information needs and issues of concern and their
18 significance to each participant with regard to the permitting
19 processes involved;

20 (ii) Any statutory or regulatory conflicts that might arise
21 relating to differing legal authorities and roles of the agencies
22 issuing the permit or use authorization of the project;

23 (iii) Any state or local jurisdiction or private sector liability
24 that might result from permitting or issuing a use authorization for
25 the project; and

26 (iv) Any natural resources, including federal or state listed
27 species, that might be adversely affected by the permitting or
28 authorizing decision.

29 (b) Following this project scoping review, the outcome shall be
30 documented in written form and furnished to the applicant, and be
31 available to the public.

32 (c) Upon completion of this review, the permitting and authorizing
33 agencies and governments shall proceed according to their respective
34 statutes. Nothing in this section may prevent the parties from
35 reconvening later in the course of the permitting or use authorization
36 process.

37 NEW SECTION. **Sec. 5.** A new section is added to chapter 47.01 RCW
38 to read as follows:

1 The legislature recognizes that the department is working with
2 state and federal agencies to address transportation construction and
3 maintenance program impacts so that these programs meet the
4 requirements of the federal clean water act and the consultation
5 requirements of the federal endangered species act. The legislature
6 supports the department's efforts in this regard and encourages the
7 department to work collaboratively with local governments and other
8 interested parties during these consultations, and to provide local
9 governments and other interested parties with opportunity to
10 participate in this process to the extent practicable.

11 The department shall report by December 1st of each year to the
12 legislature the status of any programmatic consultation developed under
13 this section.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21A RCW
15 to read as follows:

16 The legislature recognizes that the department is working with
17 state and federal agencies to coordinate the permitting requirements of
18 the federal clean water act and the consultation requirements of the
19 federal endangered species act. The legislature supports the
20 department's efforts in this regard and encourages the department to
21 work collaboratively with local governments and other interested
22 parties during these consultations, and to provide local governments
23 and other interested parties with opportunity to participate in this
24 process to the extent practicable.

25 The department shall report by December 1st of each year to the
26 legislature the status of any programmatic consultation developed under
27 this section.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 75.20 RCW
29 to read as follows:

30 The legislature recognizes that the department is working with
31 state and federal agencies to coordinate the permitting requirements of
32 the federal clean water act and the consultation requirements of the
33 federal endangered species act. The legislature supports the
34 department's efforts in this regard and encourages the department to
35 work collaboratively with local governments and other interested
36 parties during these consultations, and to provide local governments

1 and other interested parties with opportunity to participate in this
2 process to the extent practicable.

3 The department shall report by December 1st of each year to the
4 legislature the status of any programmatic consultation developed under
5 this section.

6 **Sec. 8.** 1998 c 286 s 8 (uncodified) is amended to read as follows:

7 (~~RCW 36.70B.090 and 64.40.050 shall expire June 30, 2000.~~) The
8 provisions of RCW 36.70B.090 and 64.40.050 shall apply to project
9 permit applications determined to be complete pursuant to RCW
10 36.70B.070 on or before June 30, 2000.

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