Local Governments
Determination on Permits

Roger Millar
Secretary of Transportation

Megan White
Director, Environmental Services Office

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RE: RCW 47.01.485 (2) – Report on local governments taking longer than 90 days to make a final determination on permits

The 2015 Legislature directed the Washington State Department of Transportation (WSDOT) to track and report any permit application for a project, with an estimated cost of less than five hundred million dollars on a state highway, that took more than 90 days for local governments (cities, towns, code cities, and counties) to process following the submission of a complete application. RCW 47.01.485 (2) states:

“The department must report annually to the governor and the transportation committees of the house of representatives and the senate in compliance with RCW 43.01.036 regarding any permit application that takes longer than the number of days identified in subsection (1) of this section to process.”

WSDOT Response:

The timeframe for this report is for permit application packages submitted between October 3, 2018 and October 2, 2019. Based on information from WSDOT’s regional offices, for the timeframe stated above, six WSDOT permit submittals took local jurisdictions more than 90 days to process.

<table>
<thead>
<tr>
<th>Project name</th>
<th>Project cost (millions)</th>
<th>Local jurisdiction</th>
<th>Permit type</th>
<th>Days to process permit</th>
<th>Why did it take over 90 days?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olympic Region Maintenance &amp; Administration Facility (ORMAF)</td>
<td>58.5</td>
<td>City of Lacey</td>
<td>Habitat and Wetland</td>
<td>115</td>
<td>The City required an open record hearing before issuing the permit, which occurred 99 days after submittal.</td>
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<tr>
<td>Olympic Region Maintenance &amp; Administration Facility (ORMAF)</td>
<td>58.5</td>
<td>City of Lacey</td>
<td>Shoreline Conditional Use Permit (CUP)</td>
<td>115</td>
<td>The City required an open record hearing before issuing the permit, which occurred 99 days after submittal.</td>
</tr>
<tr>
<td>SR 167/70th Avenue E. Vicinity Bridge Replacement Project</td>
<td>41</td>
<td>City of Fife</td>
<td>Shoreline Substantial Development Permit (SSDP)</td>
<td>96</td>
<td>On 3/14/19, the City requested WSDOT provide additional information regarding compliance with the City's Shoreline and Critical Areas regulations. WSDOT submitted the supplemental information on 5/2/19. The City held a Public Hearing on WSDOT's application on 6/19/19, and the final Hearing Examiner's decision (SSDP) was issued on 7/7/19.</td>
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<tr>
<td>SR 520 I-5 to Medina, I-5 Express Lanes</td>
<td>&lt;100</td>
<td>City of Seattle</td>
<td>Noise Variance</td>
<td>136</td>
<td>Seattle Department of Construction &amp; Inspections (SDCI) required a public hearing, which occurred</td>
</tr>
</tbody>
</table>
| Connection Project                                                                 | 705  | King County | Shoreline Substantial Development | 387  | King County didn't regularly update WSDOT on review progress for this complex project. Issues that slowed down the permitting process included King County wanting to link a clearing and grading permit with the Shoreline permit, a request to incorporate wildlife fencing along the county's regional trail, and WSDOT's heavy workload. The process involved significant back and forth comment resolution before King County issued the permit on 3/5/2019. As a result of the delays, permit conditions had to be added to the contract as an addendum.  
I-5/Woodland Vicinity at Horseshoe Lake - Upgrade Pump System | 2.1  | Clark County | Shoreline Substantial Development | 139  | Clark County sent a draft permit to WSDOT approximately 30 days after WSDOT submitted all the application materials. Clark County reassigned the permit processing to a different permit writer, which caused a delay. However, the project schedule was unaffected. |

Should you have any questions, or need further information, please contact Megan White, Environmental Director, at 360-705-7480, or megan.white@wsdot.wa.gov.