

Local Governments Determination on Permits

Roger Millar

Secretary of Transportation

Megan White

Director, Environmental Services Office

February 2020



Washington State
Department of Transportation

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.

Project name	Project cost (millions)	Local jurisdiction	Permit type	Days to process permit	Why did it take over 90 days?
Olympic Region Maintenance & Administration Facility (ORMAF)	58.5	City of Lacey	Habitat and Wetland	115	The City required an open record hearing before issuing the permit, which occurred 99 days after submittal.
Olympic Region Maintenance & Administration Facility (ORMAF)	58.5	City of Lacey	Shoreline Conditional Use Permit (CUP)	115	The City required an open record hearing before issuing the permit, which occurred 99 days after submittal.
SR 167/70th Avenue E. Vicinity Bridge Replacement Project	41	City of Fife	Shoreline Substantial Development Permit (SSDP)	96	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.
SR 520 I-5 to Medina, I-5 Express Lanes	<100	City of Seattle	Noise Variance	136	Seattle Department of Construction & Inspections (SDCI) required a public hearing, which occurred

Connection Project					approximately 30 days after submittal. SDCI's 60-day review clock started after the hearing. SDCI's code allows them to pause review if they request additional information.
I-405, Renton to Bellevue 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.