

Improve Your Land Use Permit Process

Are you considering developing property in Washington State? This fact sheet will help answer your questions about how land use is regulated and improve your permit process.

You will find guidance to help you:

- Clarify local, state, and federal regulatory processes.
- Understand how zoning and environmental conditions influence permitting.
- Select the appropriate site or the best portion of your property for development.
- Avoid or minimize environmental impacts.

Who Regulates land use in Washington State?

Local, state, federal, and tribal governments all have some authority to regulate land use in Washington, but the Growth Management Act (GMA), created by the state legislature in 1990, gives the primary responsibility for this process to state and local (city and county) governments. GMA lays out broad state goals for growth, and these goals are implemented by local governments through comprehensive plans. Comprehensive plans address such issues as the identification and protection of critical areas, zoning urban and rural land use areas, and sprawl reduction.

Zoning and environmental conditions influence land use permitting by determining what can be built where. Federal, state, and local governments all regulate environmentally sensitive areas such as streams, lakes, wetlands, wildlife habitat, and aquifer recharge areas. Local and state governments also regulate development in certain critical areas, for example, steep slopes or areas vulnerable to erosion, floods, landslides, or tsunamis.

If your property contains environmentally sensitive areas, development permits will likely require that you protect those areas by avoiding them, or if avoiding all impacts is not possible, will require that you mitigate for any damages to the environment. If you property contains certain critical areas, local zoning regulations may prohibit or restrict development in them to protect the environment and public safety.

Local Responsibilities

Many city or county departments regulate development, but planning departments usually coordinate the process. Contacting the planning department where your property is located is usually the best place to start when you are considering development. City and county oversight includes the following.

- **Critical areas** are regulated by cities and counties through Critical Areas Ordinances (CAO) found within the local jurisdiction's codes. Examples of critical areas include: aquifer recharge areas, wetlands, streams, wildlife habitat, steep slopes, or areas with erosion, flood, landslide, or volcanic hazards. The CAO specifies how the areas are determined, what types of activities or impacts are allowed, and what types of buffers and mitigation are required for unavoidable impacts. Local jurisdictions often maintain a list of critical areas, but you will likely need to do a specific inventory of any critical areas on your property.
- **Certain fish, wildlife, and plant** species, along with their habitats, are protected by city and county governments. Typically, the CAO provides details on protected species and habitats. Wildlife habitats such as bald eagle nests and wildlife corridors are protected with specific buffers or by limiting construction activities to certain seasons.
- **The Shoreline Management Act (SMA)** regulates activities along shorelines. City and county governments administer the SMA through shoreline master programs by a system of environmental designations. These rules apply to certain shorelines of the state: large rivers, lakes over 20 acres, marine waterfronts, 200-foot shoreline zones, wetlands next to these features, and areas within the 100-year floodplain.
- **State Environmental Policy Act (SEPA)** review is required for projects that involve state or local agency permitting, licensing, funding, or adoption of a policy, plan, or program. Information provided during the SEPA process helps agencies, applicants, and the public understand how a project will affect the environment. You begin the process by submitting an environmental checklist to the agency which will be leading the SEPA process, usually the local planning department.

Improve Your Land Use Permit Process

- **Zoning** may cover lot sizes, allowed uses, site plan requirements (e.g., building placement and height, roads and parking, landscaping, signage) or other requirements such as affordable housing or public open space. Contact your local jurisdiction for details about zoning regulations and to find out the designated zoning for a particular site.
- **Other common local permits** include land grading, mechanical (e.g., installation of sprinklers and heating systems), electrical, plumbing, building construction, and septic systems.

State Responsibilities

State government agencies usually become involved in regulating land use if natural or cultural resources could be threatened. A number of departments regulate land use and their permits may be required before you begin construction on your project, even if you have your local permits.

Office for Regulatory Innovation and Assistance (ORIA) can help you determine if your project may need state permits. Common state permitting agencies include the following.

- **The Washington Department of Archeology and Historic Preservation** regulates cultural, historic, or archeological sites.
- **The Washington State Department of Ecology** regulates air quality, water quality, water rights, well construction, development in or near water, and the discharge of wastes and toxic substances.
- **The Washington Department of Health** regulates the design and operation of public water systems.
- **The Washington Department of Fish and Wildlife** regulates construction activity that will affect the flow of state waters. State waters include all marine and fresh waters, except those watercourses that are entirely artificial, such as irrigation ditches, canals, and storm water run-off devices.
- **The Washington State Department of Natural Resources** regulates the use of state-owned aquatic lands—including crossing over or impacting aquatic land.

Federal Responsibilities

The federal government becomes involved if natural, cultural, or tribal resources could be threatened. This includes the discharge of materials into waters of the U.S.; the placement of structures in navigable waters; activities which could affect federally listed endangered or threatened species; and activities which could affect known or unknown archeological, cultural, and historic resources.

The federal government also regulates some development through the National Environmental Policy Act (NEPA). NEPA review applies to all projects that require a federal permit, receive federal funding, or are located on federal land. NEPA requires all federal agencies to consider the environmental effects of projects, and identify alternatives and mitigation that avoid or minimize environmental impacts. A number of federal agencies regulate land development under NEPA. Each agency's review process is different because each agency must adopt its own procedures to comply with NEPA.

ORIA can help you connect with the right federal agencies if your project triggers federal permitting or regulations.

Tribal Responsibilities

Tribal governments act to protect what are called their Usual and Accustomed hunting, fishing or shellfish harvesting areas. If your project could have an impact on the plants, fish, or wildlife within a Usual and Accustomed area, state and federal governments will coordinate directly with tribal governments to determine how to avoid or mitigate the impacts.

State and federal agencies will also coordinate with tribal governments on proposed large-scale projects that fall within a tribe's Traditional Use Area. If a tribe itself is proposing a project within tribal lands that might threaten natural resources, they will work directly with the federal government for any necessary federal permits.

Improve Your Land Use Permit Process

Where should you begin?

Start by choosing the appropriate site or section of your property. Consider choosing sites that are:

- Zoned correctly for the project and avoid habitats of sensitive species.
- Located more than 200 feet from water bodies and out of flood plains.
- Vested with enough water rights to provide for full build out.
- Supported by utilities, transportation infrastructure, and emergency services.

After choosing your site, make an appointment with the local planning department where your property is located to discuss the project. Make the most of your meeting by:

- Coming prepared to provide as much detail as you can on the zoning, surrounding area, and prior use of your site.
- Providing site plans that include all streams, lakes, wetlands, critical areas, buffers, setbacks, and shoreline zones.
- Asking if state or federal permits may be required. Sometimes agencies have permitting processes which overlap or one agency's permit depends on another agency making a decision first.

How can you streamline your permit process and make sense of all the requirements?

Permitting takes time, but ORIA can help you improve your land use permit process and understand how the local, state, federal and tribal requirements fit together.

- Start with <http://www.oria.wa.gov>. Our website connects you with environmental permitting resources 24 hours a day.
- **Project Questionnaire.** This questionnaire asks a series of questions to help you determine early on what approvals, licenses, or permits your project may need. It's quick, easy, and anonymous!
- **Washington State Environmental Permit Handbook.** The handbook contains detailed information about commonly required permits and contact information for regulatory agencies statewide.
- **Environmental Permit Schematics.** These flowcharts illustrate the step-by-step process of dozens of environmental permits and identify which tasks are your responsibility and which are the regulatory agencies'.
- **Contact the ORIA Information Center—Real People with Real Answers.** For project specific questions, give us a call Monday through Friday, 8:00 a.m. to 5:00 p.m., or send us an email. Our Information Center staff can point you in the right direction.
- **Regulatory Improvement Consultants.** For complex development projects that will require local, state, and federal permits, our Regulatory Improvement Consultants can help you through the process.

Tips

- IMPORTANT- Make sure to confirm that your project meets not only local, but state and federal requirements, as well.
- Wherever possible, avoid or minimize impacts to sensitive areas. This will shorten your timeline, decrease the number of permits required and reduce the expense of permitting process.

If you require this document in another format, contact Office for Regulatory Innovation and Assistance. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.