

- 550.01 Introduction
- 550.02 Shoreline Permits
- 550.03 Floodplain Development Permit
- 550.04 Critical Areas Ordinance Compliance
- 550.05 Clearing, Grading, and Building Permits
- 550.06 Land Use Permits
- 550.07 Noise Variance – Nighttime Construction and Maintenance
- 550.08 Reserved
- 550.09 Reserved
- 550.10 Other Local Approvals
 - Detour and Haul Road Agreements
 - On-Site Sewage Systems (Under 3,500 gpd)
 - Water System Approval – Group B Systems
- 550.11 Exhibits

Key to Icon

 Web site.*

550.01 Introduction

Chapter 550 includes permits and approvals granted or issued by local jurisdictions, primarily cities and counties. The local approvals most often needed by WSDOT are delegated to local jurisdictions under state statutes: the Shoreline Management Act (shoreline permits), Flood Control Act (floodplain development permit and/or elevation certificate), and Growth Management Act (compliance with critical areas ordinances covering locally delineated wetlands, critical saltwater and freshwater fish and wildlife habitat, flood hazard reduction areas, aquifer recharge areas, channel migration zones, and geologically hazardous areas).

Local jurisdictions also may require WSDOT to obtain various permits and approvals such as a clearing, grading, and/or building permit for construction outside the right of way, a noise/vibration variance for nighttime construction activity, and a detour and haul road agreement. Local health authorities regulate air quality, on site septic systems under 3,500 gallons per day, and approve new water systems for nonpublic use, either of which may be needed for a new WSDOT maintenance facility.

*Web sites and navigation referenced in this chapter are subject to change. For the most current links, please refer to the online version of the EPM, available through the WSDOT Environmental Services Office (ESO) home page: <http://www.wsdot.wa.gov/environment/>

550.02 Shoreline Permits

(1) Overview

Shoreline permits are required under the Shoreline Management Act (SMA), which aims to “prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The SMA has three broad policies: to encourage water dependent uses, protect shoreline natural resources, and promote public access.

The Washington State Department of Ecology (Ecology) approves local shoreline master programs (SMPs), and relies on local jurisdictions to assure compliance with applicable laws and policies. Local governments are responsible for administering the regulatory program, including establishing a permitting system for shoreline development, including Shoreline Substantial Development Permits, Conditional Use Permits, and Variances.

Permits are granted only when the proposed project is consistent with the provisions of the act, implementing regulations, and the local shoreline master program (WAC 173-27-150). After completion of the local process the permits are sent to Ecology for filing; Ecology only has authority to approve or deny Shoreline Conditional Use Permits and Variances.

Ecology has prepared schematic diagrams illustrating the application and review process for the Conditional Use Permit and Variance Permit, and for the Substantial Development Permit. These schematics (“Work in or Near Water” section) are available online at:

 http://www.ora.wa.gov/resources/schematics_list.asp#work

Agency Issuing Permit – Cities and counties.

Statutory Authority – RCW 90.58; WAC 173-15, 173-18, 173-20, 173-22, 173-26, and 173-27. Permit and enforcement procedures are at WAC 173-27. City and county ordinances also apply.

Regulated Activities – A Shoreline Substantial Development Permit is required for any development with a total cost or fair market value that exceeds \$5,000, or that materially interferes with the normal public use of the water or shorelines of the state, regardless of cost (RCW 90.58.030).

Exempt Activities – The SMA exempts certain developments from the need to obtain a Substantial Development Permit, but not from compliance with applicable policies and regulations (WAC 173-27-040). Exemptions relevant to WSDOT are:

- Total cost or fair market value is less than \$5,000.
- Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or the elements.

- Emergency construction necessary to protect property from damage by the elements.
- Construction or modification of navigational aids such as channel markers and anchor buoys.
- Marking of property lines or corners on state-owned lands without interfering significantly with normal public use of the water.
- Removing or controlling aquatic noxious weeds.
- Certain watershed restoration projects.
- Certain fish or wildlife habitat or fish passage projects.
- Certain hazardous substance remedial actions.

Local jurisdiction(s) determine when exemptions from the permit requirements are appropriate.

Geographic Extent – “Shorelines” are all water areas of the state, including reservoirs, and their associated shorelands together with the lands underlying them, except: (1) shorelines of statewide significance (see definition below); (2) shorelines on stream segments with a mean annual flow of 20 cubic feet per second or less and their associated wetlands; and (3) shorelines on lakes smaller than 20 acres and their associated wetlands.

“Shorelines of statewide significance” are those shorelines of the state listed in RCW 90.58.030(2)(e), which include: (1) the marine waters off the Washington Coast seaward of the ordinary high water mark; (2) certain areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and extreme low tide; (3) those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters south of the Canadian line lying seaward of extreme low tide; (4) lakes and reservoirs with a surface acreage of 1,000 acres or more; (5) those segments of natural rivers that are 1,000 cfs or greater west of the crest of the Cascade range and 200 cfs or greater or downstream from the first three hundred miles of drainage area, whichever is longer, east of the crest of the Cascade range; and (6) those shorelands associated with all the above except (3).

“Shorelines of the state” are the total of all “shorelines” and “shorelines of statewide significance” within the state.

“Shorelands” are those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA, as designated by the department of Ecology. (However, local governments may include the entire 100-year floodplain and GMA critical area buffers in their regulated shorelands.)

Local jurisdictions maintain approved maps delineating the shorelines and shorelines of statewide significance within their boundaries.

Types of Permits – There are three types of shoreline management permits: Substantial Development Permit (SDP), Conditional Use Permit (CUP), and Shoreline Variance.

- **Substantial Development Permit (SDP)** – This permit is needed for any development that has a total cost or fair market value over \$5,000, or that materially interferes with normal public use of the water or shorelines of the state. Some projects also require Shoreline Conditional Use permits or Shoreline Variances. These are processed concurrently and are generally treated as one complete package (WAC 173-27-130).
- **Conditional Use Permit (CUP)** – Conditional uses may be authorized by the local government if the proposed project is consistent with the SMA and local Shoreline Master Program (SMP), does not interfere with normal public use of public shorelines, is compatible with other uses in the area, and will cause no adverse effects to the shoreline environment or detriment to the public interest. Uses specifically prohibited in the local SMP may not be granted a conditional use permit (WAC 173-27-160).
- **Shoreline Variance** – The purpose of a Shoreline Variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in the applicable SMP. It may be authorized when extraordinary circumstances exist, and strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the policies of the SMA (WAC 173-27-170).

Prerequisite Permits and Approvals – Compliance with the State Environmental Policy Act (SEPA) is required.

Related Permits and Approvals – Permits may be required from multiple jurisdictions. These permits may include:

- Local: Floodplain Development Permit (see **Section 550.03**).
- State: Section 401 Water Quality Certification (see **Section 540.02**); Coastal Zone Management Consistency (see **Section 540.03**); Hydraulic Project Approval (see **Section 540.15**); Aquatic Resource Use Authorization (see **Section 540.16**).
- Federal: Section 404 Permit (see **Section 520.02**).

Interagency Agreements – None applicable.

Processing Time – Processing time is determined by each local jurisdiction. Generally, the local agency issues a notice within 28 days to verify receipt of a complete application and subsequently has 120 days to issue the permit. After receiving a complete Conditional Use Permit or Shoreline Variance from the local jurisdiction, Ecology has 30 days to issue its decision.

Fees – Variable depending on the jurisdiction.

(2) How to Apply

Some local jurisdictions use the Joint Aquatic Resources Permit Application (JARPA) for their Shoreline permit applications. Although WAC 173-27-180 states the minimum requirements for a shoreline permit application, local jurisdictions may have specific application forms and drawing specifications. Contact the local jurisdiction(s) for information on specific requirements. Many local jurisdictions require payment of permit fees before processing the application, though Ecology does not.

JARPA – Currently, 24 counties and 59 cities used the JARPA. Check with the local jurisdiction(s) to find out if JARPA or a separate local permit application is needed. The JARPA can be downloaded from:

 <http://www.epermitting.wa.gov/>

Preapplication Conference – Many local jurisdictions require a preapplication consultation. Projects requiring Shoreline Conditional Use Permits and Variances are Ecology's high priority for local governments. They normally recommend technical assistance and review during a preapplication consultation.

Special Information Requirements – As previously stated, minimum requirements are listed in WAC 173-27-180. Check with the local jurisdiction(s) for any additional requirements.

Public Notice – Public Notice is a requirement of SEPA compliance, fulfilled by the applicant or depending on the project proposal, in some cases the local jurisdiction.

Submitting the Application – Submit the permit application and fees to the local jurisdiction(s).

Agency and Public Review – Upon determining that a Shoreline permit application is complete, the local jurisdiction (or applicant) publishes a public notice allowing a 14-day comment period, usually running concurrently with the local jurisdiction's application review process. The public can submit written comments or request a hearing from local government. After the review and comment period, the local jurisdiction makes a permit decision and files the permit with Ecology.

Substantial Development Permits are filed on the date of receipt by Ecology, and entered in the Shoreline Permit Tracking System. Ecology reviews each permit after it is issued by the local agency and determines if a significant impact will occur that may warrant an Ecology appeal of the local government decision.

For Conditional Use Permits and Shoreline Variances, Ecology has up to 30 days to issue a final decision. Ecology may approve, approve with additional conditions, or deny the permit which is filed on the date Ecology's decision letter is mailed.

Appeal Process – Filing a shoreline permit triggers a 21-day statutory appeal period, during which anyone can file a petition for review with the Shorelines Hearing Board (RCW 90.58.180). The Shorelines Hearing Board has 180 days to reach a decision; its decisions can be appealed to Superior Court.

Post-Permitting Requirements – For a substantial development permit, substantial progress toward completion of a permitted activity must occur within two years of the effective date of the permit, and terminate five years after the effective date of the permit. Substantial progress includes the preparation of PS&E; signing of notice-to-proceed; completion of grading and excavation; installation of major utilities; or, where no construction is involved, commencement of the activity.

The “effective date” of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions.

Local government may adopt different time limits on substantial development permit authorizations. They may authorize a single extension for a period not to exceed one year if the request has been filed before the expiration date and notice is provided to parties of record and Ecology.

Timelines of all substantial development permits and any development under a variance or conditional use permit are addressed in RCW 90.58.140 and 143, and WAC 173-27-090.

(3) For More Information

Please refer to EPM **Chapter 450** (Land Use), for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), or help@ora.wa.gov. The center is online at:

 <http://www.ora.wa.gov/resources/permitting.asp>

550.03 Floodplain Development Permit

(1) Overview

Under the state's Flood Control Management Law, 86.16 RCW, a local Floodplain Development Permit or other permit identifying the floodplain management conditions is required for any development within the mapped 100-year floodplain. Also an, Elevation Certificate is required for all new structures built in the floodplain, including projects that have Shoreline Substantial Development Permit approval. Permits are required for any development, including filling or grading in the floodplain.

State law requires local governments participating in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA), to adopt a floodplain ordinance that meets or exceeds NFIP requirements. Ecology has approval authority over these ordinances.

FEMA requires local governments to review proposed development projects to determine if they are in identified floodplains as shown on the FEMA maps. If a project is located in a mapped 100-year floodplain (A or V zone), the local government must require that a permit be obtained prior to development.

To reduce the potential for damage from floodwater, proposed projects are reviewed and conditions imposed on any permits that are issued. All flood ordinances include regulations limiting backwater effects from proposed projects within jurisdictional floodplains. Additionally, some jurisdictions also have incorporated compensatory flood storage mitigation or "cut and fill" requirements as part of their floodplain ordinances.

Agency Issuing Permit – Cities and counties.

Statutory Authority – RCW 86.16; WAC 173-158; 42 USC 50, S 4001 *et seq.*; 44 CFR I, S 60.3; city and county ordinances.

Regulated Activities – Any structure or activity that may adversely affect the flood regime of a stream or surface water flow within the flood zone, or development, including any filling or grading activities within the 100-year floodplain.

Exempt Activities – Varies by jurisdiction. Some jurisdictions exceed the NFIP requirements, but provide limited exemptions down to the minimum. Certain fish habitat enhancement projects that have no adverse flooding impacts can be exempted

Geographic Extent – The minimum area covered by state and local flood plain management regulations is the area subject to a 100-year flood and designated as a special flood hazard area on the most recent FEMA maps. Best available information is used if these maps are not available or sufficient as determined by FEMA.

Types of Permits – All jurisdictions require an elevation certificate for structures proposed within the 100-year floodplain. For other types of development, such as filling and grading, the local jurisdiction may require a clearing/grading permit, floodplain development permit, and/or critical areas ordinance compliance.

Prerequisite Permits and Approvals – Compliance with the State Environmental Policy Act (SEPA) is required prior to issuing floodplain permits.

Related Permits and Approvals – Other permits that may be required are:

- Local jurisdiction: Shoreline permits (see **Section 550.02**).
- Ecology: Section 401 Water Quality Certification (**Section 540.02**), Coastal Zone Management Consistency (**Section 540.03**), and NPDES permits (**Section 540.04** through **Section 540.08**).
- Washington State Department of Fish and Wildlife (WDFW): Hydraulic Project Approval (**Section 540.15**).
- U.S. Army Corps of Engineers (Corps): Section 404 Permit (**Section 520.02**), Section 10 Permit (**Section 520.03**).
- U.S. Coast Guard (USCG): Section 9 Permit (**Section 520.04**).

Interagency Agreements – None applicable.

Processing Time – Varies by jurisdiction and project complexity.

Fees – Variable. Some local governments charge a fee to determine whether or not the property is within the 100-year floodplain.

(2) **How to Apply**

A example floodplain development permit is on Ecology's Web site at:

☞ <http://www.ecy.wa.gov/programs/sea/pac/pdf/permitapp.pdf>

JARPA – Floodplain permits are obtained through the Joint Aquatic Resources Permit Application (JARPA) in some jurisdictions (24 counties and 59 cities as of November 2003). Check with the local jurisdiction to find out if JARPA or a separate local permit application is needed. The JARPA can be downloaded from:

☞ <http://www.epermitting.wa.gov/>

Preapplication Conference – A preapplication conference with various government agencies may be helpful to discuss the project and local requirements.

Special Information Requirements – Varies by jurisdiction.

Public Notice – Varies by jurisdiction. Public Notice is a requirement of SEPA compliance.

Submitting the Application – Submit the permit application to the appropriate local government agency.

Agency and Public Review – Local government staff will review determine whether or not the property is within the 100-year floodplain. A public hearing is not normally required.

Appeal Process – Property owners can challenge floodplain determinations through the local appeal process. If an independent survey by WSDOT finds the property is not within the 100-year floodplain, the finding can be submitted to FEMA with a request for a map amendment or a map revision. For more information, call 1-800-336-2627.

Post-Permitting Requirements – Not applicable.

(3) For More Information

Please refer to EPM **Chapter 432**, Floodplain, for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

The Web site below has more information on floodplain management with respect to the local government agencies, including floodplain ordinances for some cities and counties:

☞ <http://www.mrsc.org/Subjects/PubSafe/emergency/ps-flood.aspx>

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

☞ <http://www.ora.wa.gov/resources/permitting.asp>

550.04 Critical Areas Ordinance Compliance

(1) Overview

Under Washington’s Growth Management Act, all cities and counties are required to adopt critical areas regulations to protect the natural environment and public health and safety. Critical areas are locally delineated wetlands, fish and wildlife habitat, frequently flooded areas, aquifer recharge areas, and geologically hazardous areas. Local critical areas ordinances (CAOs) are intended to protect the functions and values of these critical areas by avoiding, minimizing or mitigating impacts arising from land development and other activities.

Compliance with CAOs is often regulated in connection with land use and development permits granted by local jurisdictions. Unless the local ordinance conflicts with state law, WSDOT must comply with local regulations. If a WSDOT project would affect a designated critical area, the local jurisdiction may have authority to require WSDOT to obtain a permit or other approval.

The Growth Management Act does not grant local agencies the ability to supersede WSDOT's authority to site, design, and construct the state highway system. Accordingly, the Growth Management Act does not give local agencies the authority to regulate activities outside of critical areas unless the local agency has a particular reason and specific statutory authority for requiring a permit or requiring compliance with a set of standards that are not duplicative of the standard specifications. When critical area ordinance requirements duplicate WSDOT's standard specifications, then WSDOT's own statute (RCW 47.01.260) preempts any local attempt to regulate the highway construction. Being exempt from permits, however, does not mean that WSDOT can violate provisions of the critical areas ordinance. The exemption is only an exemption from the process of obtaining a permit, not from the application of the substantive requirements.

Agency Issuing Permit – Cities and counties.

Statutory Authority – RCW 36.70A; city and county ordinances.

Regulated Activities – A permit is generally required to perform any clearing, grading, building or other development in a critical area or its buffer.

Exempt Activities – If WSDOT cannot comply with the critical areas regulations it may be able to receive a variance or other exemption.

Geographic Extent – Local ordinances and accompanying maps identify specific boundaries of critical areas.

Types of Permits – Varies by jurisdiction. Some jurisdictions issue a separate critical areas permit while others conduct the critical areas compliance review as part of another permit, often a grading and/or clearing permit.

Prerequisite Permits and Approvals – Compliance with SEPA is required before the local agency can issue the permit or approval.

Related Permits and Approvals – Local governments have the authority to deny or condition permits under SEPA as well as their own CAO. If requirements and procedures of these regulations conflict, the provisions that provide more protection to environmentally critical areas would apply to a proposed property.

Clearing and grading permits are often required for any alteration to a critical area or its buffer.

WSDOT Project Delivery Memo #04-04 requires that all wetlands and other sensitive areas be delineated by high visibility construction fencing to minimize violations of permit conditions. See **Exhibit 690-1** for specifications added to Order of Work Section 1-08.04.

Local jurisdictions may also have regulations restricting development in wellhead protection areas, whose boundaries may differ from critical aquifer recharge areas delineated by the Critical Areas Ordinance.

For projects sited over a Sole Source Aquifer or the surrounding Aquifer Sensitive Area, USEPA requires approval of a Stormwater Site Plan. Approval authority often has been delegated to the local county or city. Designated Sole Source Aquifers are: Spokane Valley Rathdum Prairie (Spokane County), Whidbey Island and Camano Island (Island County), Cross Valley (Snohomish and King counties), Newberg Area (Snohomish), Cedar Valley (city of Renton, King County), Lewiston Basin (Asotin and Garfield counties).

Interagency Agreements – In a June 1988 Sole Source Aquifer Memorandum of Understanding with the USEPA and FHWA, WSDOT agrees to give USEPA an early opportunity to participate in development and review of environmental documents for certain projects within sole source aquifer areas. See **Section 433.04** for a summary description and link to the entire agreement.

Processing Time – Varies by jurisdiction.

Fees – Varies by jurisdiction.

(2) **How to Apply**

Contact the local planning department(s) to obtain critical areas maps information and find out what regulations and application procedures affect a particular critical area such as a wetland or a hazardous slope. Local regulations may be more restrictive than federal or state regulations.

JARPA – Floodplain permits are obtained through the Joint Aquatic Resources Permit Application (JARPA) in some jurisdictions (24 counties and 59 cities as of November 2003). Check with the local jurisdiction to find out if JARPA or a separate local permit application is needed. The JARPA can be downloaded from:

☞ <http://www.epermitting.wa.gov/>

Preapplication Conference – Contact local government early in the planning process to avoid critical areas where possible, or determine the need for a study.

Special Information Requirements – Varies by jurisdiction.

Public Notice – Varies by jurisdiction. Public Notice is a requirement of SEPA compliance.

Submitting the Application – Submit related permit applications to the local jurisdiction.

Agency and Public Review – Varies by jurisdiction. Typically, compliance with the critical areas ordinance is considered as part of agency review of related permit applications.

Appeal Process – Local jurisdictions have different appeal processes for land use permits. Typically, permit approvals are followed by a 14-day local appeals process. Some local jurisdictions also require that appellants have “standing,” which may require that they have participated in the permitting process (e.g., submitted comments, etc.).

Post-Permitting Requirements – Mitigation for impacts to critical areas may include post-construction monitoring.

(3) *For More Information*

Please refer to EPM **Chapter 450** (Land Use), for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

More information on Critical Areas Ordinances, including some city/county ordinances, is online at:

☞ <http://www.mrsc.org/subjects/environment/criticalpg.aspx>

(4) *Permit Assistance*

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

☞ <http://www.ora.wa.gov/resources/permitting.asp>

550.05 Clearing, Grading, and Building Permits

(1) *Overview*

Local land use authority to require clearing, grading, or building permits for WSDOT projects is limited by state law. The International Building Code adopted in Washington does not apply to construction work done in a public way. Public way includes WSDOT’s highway right of way, necessary slope easements, and required ancillary facilities like stormwater or mitigation sites.

Building permits are required from local jurisdictions for structures that are meant for full- or part-time habitation. Examples include buildings at rest areas, maintenance facilities, toll booths, bus shelters, equipment storage, and weigh stations. Retaining walls and noise walls do not require building permits.

Agency Issuing Permit – Cities and counties.

Statutory Authority – RCW 36.70; RCW 36.70A; RCW 19.27; WAC 51-50 (State Building Code); city and county ordinances.

Regulated Activities – A clearing and/or grading permit is required when WSDOT construction requires a change in street grades in an incorporated city or town. WSDOT is obligated by law to present the plans for new grades to the municipality for adoption by ordinance. On limited access facilities, no grading approval is usually required for the highway itself. However, plans must be submitted to any incorporated city or town for grade approval for connecting streets, frontage roads, streets outside the limited access, and streets or connections within interchange areas, including any road passing over or under the facility but having no connection to it.

Clearing and/or grading permits also may be obtained for work in critical areas, when the local agency does not have a separate critical areas permit but instead attaches its critical areas requirements to the clearing and/or grading permit. Although WSDOT may technically be exempt from the clearing and/or grading permit requirement, it is not exempt from compliance with the substantive requirements of the critical areas code when working in a critical area. Obtaining the clearing and/or grading permit in these instances, limited strictly in application to the critical areas, will help to ensure that the substantive requirements are being met and reduce or eliminate the occurrence of violations.

The Growth Management Act does not grant local agencies the ability to supersede WSDOT's authority to site, design, and construct the state highway system by requiring grading permits. Specifically, the Growth Management Act does not give local agencies authority to regulate highway construction through their programs for regulating building or other construction. Local building codes impose safety standards; these same safety standards are addressed through WSDOT's Standard Specifications.

Although not required for highway or bridge construction, a building permit is typically required for nonresidential structures over 200 square feet, and interior or exterior alteration or repair that goes beyond normal maintenance.

Exempt Activities – City or county codes include specific requirements and exemptions. Transportation projects are exempt from grading permits under the International Building Code (IBC). These include activities within the highway right of way or easement, and activities required by a regulatory condition or requirement, such as stormwater facilities or mitigation sites.

Geographic Extent – Counties and cities.

Types of Permits – Clearing and/or grading permit, building permit.

Prerequisite Permits and Approvals – Compliance with the State Environmental Policy Act (SEPA) is required before the local agency will issue the permit.

Related Permits and Approvals – Some WSDOT nonhighway uses, such as a maintenance facility, may require a land use permit such as a conditional use permit, unclassified use permit, or variance. Local approval for development and operation of borrow pits may be required.

The Growth Management Act (GMA) amended the State Building Code to require that building permit applicants provide proof of an adequate supply of potable water for the purposes of the building. The three means of proof specified in the law are: (1) a permit from Ecology, (2) a letter from an approved purveyor stating the ability and willingness to provide water, and (3) a local form verifying the existence of an adequate water supply.

Interagency Agreements – None applicable.

Processing Time – Varies by jurisdiction. Building permit processing typically averages from six to eight weeks. SEPA review, which may include clearing and grading, can take from 45 to 90 days.

Fees – Vary by jurisdiction.

(2) **How to Apply**

Contact the local jurisdiction(s) for information about regulations and permit application procedures.

JARPA – Not applicable.

Preapplication Conference – A preapplication meeting may be required for some standard clearing and grading permits, especially if a shoreline review or SEPA is involved.

Special Information Requirement – Building permit applications typically require detailed final plans, including electrical and plumbing plans, floor layout, sewage facilities, well location (if applicable), drainage plan, size and shape of lot and buildings, setback of buildings from property lines and drainfield (if applicable), access, size and shape of foundation walls, beams, air vents, window accesses, and heating or cooling plants, if included in the design.

Public Notice – Public Notice is a requirement of SEPA compliance.

Submitting the Application – Submit permit applications to the county or city public works or building department.

Agency and Public Review – Public hearing requirements vary by jurisdiction depending on the activity proposed. Building permits are issued upon approval of the plans submitted by WSDOT.

Appeal Process – Varies by jurisdiction.

Post-Permitting Requirements – Monitoring of the construction site may be required for critical areas. Building permits may require submittal of as-built plans.

(3) For More Information

Please refer to EPM Chapter 450, Land Use, for information on environmental documentation that may be required during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see Appendix G for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

☞ <http://www.ora.wa.gov/resources/permitting.asp>

550.06 Land Use Permits

(1) Overview

WSDOT may need to obtain a land use permit, such as a conditional use permit, unclassified use permit, or variance, from the local jurisdiction.

Agency Issuing Permit – Cities and counties.

Statutory Authority – Growth Management Act; RCW 36.70; city and county ordinances.

Regulated Activities – Varies by jurisdiction.

Exempt Activities – Varies by jurisdiction.

Geographic Extent – City or county.

Types of Permits – Conditional use permit (CUP), unclassified use permit, or variance.

Prerequisite Permits and Approvals – Compliance with the State Environmental Policy Act (SEPA) may be required.

Related Permits and Approvals – A clearing permit, grading permit, and/or building permit may also be required (see Section 550.05).

Interagency Agreements – None applicable.

Processing Time – Varies by jurisdiction.

Fees – Vary by jurisdiction.

(2) How to Apply

Contact the local jurisdiction to determine what permits may be required and procedures for applying.

JARPA – Not applicable.

Preapplication Conference – Varies by jurisdiction.

Special Information Requirements – Varies by jurisdiction.

Public Notice – Varies by jurisdiction. Public Notice is a requirement of SEPA compliance, if required.

Submitting the Application – Contact the local jurisdiction.

Agency and Public Review – Varies by jurisdiction.

Appeal Process – Varies by jurisdiction.

Post-Permitting Requirements – Not applicable.

(3) For More Information

Please see **Chapter 450, Land Use**, for information on environmental documentation that may be required during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance.

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

 <http://www.ora.wa.gov/resources/permitting.asp>

550.07 Noise Variance – Nighttime Construction and Maintenance

(1) Overview

Local governments have authority for noise control under state law. The only noise permit that WSDOT is likely to need is a variance from a local ordinance for nighttime construction or maintenance activities. The local jurisdiction may grant a variance with conditions based on WSDOT's

justification of the need for nighttime work. Night work may be necessary because of issues related to worker, pedestrian or driver safety; traffic management; lack of feasible noise-control technology; or economic or physical factors.

If all alternatives to night work have been exhausted, WSDOT is responsible for obtaining the variance and including any conditions in the contract. If WSDOT does not specify nighttime work in the contract, the contractor is responsible in obtaining variances for working at night.

Agency Issuing Permit – Cities and counties.

Statutory Authority – RCW 70.107; WAC 173-60 (maximum noise levels); city and county ordinances.

Regulated Activities – Noise limits usually are in effect between 10 p.m. and 7 a.m., but vary by jurisdictions or type of land use adjoining the construction noise source.

Exempt Activities – In most jurisdictions, daytime noise from construction and maintenance activities are exempt from permit requirements. Construction and maintenance activities that do not exceed the property line noise level identified by regulations would be exempt. Noise caused during emergency work or to restore property following a public calamity is also exempt.

Geographic Extent – Cities and/or counties.

Types of Permits – Usually a variance or exemption from state or local maximum noise standards.

Prerequisite Permits and Approvals – Not applicable.

Related Permits and Approvals – SEPA requires state and local agencies to consider potential noise impacts of proposed projects. Local jurisdictions have the authority to place reasonable conditions on proposals to avoid, minimize or mitigate noise impacts.

Interagency Agreements – None applicable.

Processing Time – Varies by jurisdiction; approximately two to six months.

Fees – Vary by jurisdiction.

(2) **How to Apply**

If nighttime work is necessary, WSDOT contacts the local jurisdiction to find out if there is a noise ordinance and how variances are processed. Local staff may simply ask for a letter informing them of the planned nighttime construction activities. However, they may ask WSDOT to adopt best management practices to reasonably reduce noise levels and restrict certain types of noisy activities during specified night hours.

It is essential that design and construction offices coordinate efforts in determining the necessary variance parameters, i.e., type of work, equipment expected to be used, and total number of nights required. The regional traffic section provides lane closure hours to help justify the night work.

JARPA – Not applicable.

Preapplication Conference – Not applicable.

Special Information Requirements – Plan sheets, equipment lists, justification for working at night, and traffic information for construction work at night are necessary to support a request for a variance. Since the local health authority processes variances in many jurisdictions, the request should address the health, safety and welfare of the traveling public, project employees, and residents. The regional traffic section provides lane closure hours to help justify the night work.

A separate package is required for each city or county jurisdiction. Requirements are found on the WSDOT Air, Acoustics and Energy Web site at:

☞ <http://www.wsdot.wa.gov/Environment/Air/default.htm>

Public Notice – Varies by jurisdiction.

Submitting the Application – Two to six months prior to PS&E review, the project design office should submit a written request for the variance to the WSDOT Regional Environmental Office, including the supporting information listed above.

Project offices are discouraged from submitting variance requests directly, in an effort to ensure that best practices are used consistently throughout WSDOT's construction program.

Agency and Public Review – Varies by jurisdiction.

Appeal Process – Varies by jurisdiction.

Post-Permitting Requirements – None.

(3) **For More Information**

Please refer to **Chapter 446**, Noise, for information on environmental documentation initiated during the NEPA/SEPA process, including relevant statutes, interagency agreements, policy and technical guidance. See also **Part 6**, Construction, particularly **Section 620.07**.

For information on noise variances for nighttime construction, see the WSDOT Air, Acoustics and Energy Web site at:

☞ <http://www.wsdot.wa.gov/Environment/Air/default.htm>

Some local noise ordinances are online at:

☞ <http://www.mrsc.org/Subjects/Environment/noise/noise.aspx>

(4) Permit Assistance

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts). Local jurisdiction staff can also provide assistance.

Another resource for environmental permits is the Office of Regulatory Assistance, Information Center, 360-407-7037 (800-917-0043), assistance@ora.wa.gov. The center is online at:

☞ <http://www.ora.wa.gov/resources/permitting.asp>

550.08 Reserved**550.09 Reserved****550.10 Other Local Approvals*****Detour and Haul Road Agreements*****(1) Overview**

Detour and haul road agreements are entered into with a county or city when WSDOT proposes to use city streets or county roads for the purpose of detouring traffic or hauling certain materials associated with a highway improvement project. The haul road/detour agreement, using DOT Form 224-014EF, provides for approval by the Region Administrator or their designee. Altered standard form and nonstandard form agreements require approval by the Attorney General and execution of the agreement through the WSDOT Headquarters Utilities Office.

(2) How to Apply

A preprinted agreement, DOT Form 224-014EF (Example 4-1 of the *Utilities Manual*, M 22-87), titled “Local Agency Haul Road/Detour Agreement,” has been developed for this purpose. This form can be downloaded at:

☞ ftp://ftp.wsdot.wa.gov/dotshare/eForms/Update/224_014.PDF

Region preparation and processing of the agreement consists of:

- (a) Assigning an agreement number. The number is prefixed HD, HR, or HRD, depending on the region, followed by a region number designation (1, 2, 3, 4, 5, 6). This is followed by numbers continuing in sequence.
- (b) Filling in the blanks in the heading of the agreement. These are: organization and address, agreement number, section/location, state route number, control section number, region, description of roads or streets, intended use (haul road or detour road), and vehicle restrictions (if none, write “none”).

- (c) Following execution of the agreement by all parties and entering of the agreement date on the first page of the form, the region is responsible for:
- Retaining the original executed agreement on file.
 - Forwarding a copy (duplicate original if required by the local agency) of the fully executed agreement to the local agency for their files.
 - Providing an executed copy of the agreement to the HQ Project Development Office, if that office reviews the PS&E.

On-Site Sewage Systems (Under 3,500 GPD)

(1) Overview

Local health authorities issue on site sewage permits for installation of a septic tank or drain field with design flow at any common point of less than 3,500 gallons per day (gpd). WSDOT may require such systems for weigh stations or rest areas with low traffic volumes. A building permit may also be required (see Section 550.05).

(2) How to Apply

Submit the application to the local health authority. More information is online at:

 www.doh.wa.gov/ehp/ts/WW/tanks/tanks-rap.htm

Water System Approval – Group B Systems

(1) Overview

WSDOT maintenance sheds, where only one or two employees typically work, are considered Group B public water systems and require approval from the local health authority, or DOH, if the county does not handle Group B systems. Group B water systems are not subject to the federal Safe Drinking Water Act, but they must meet state and local requirements for water quality and operations, and be approved in advance of construction. Group B systems are subject to requirements for sampling, record-keeping, reporting, and maintenance and operations. See WAC 246-291 for statutory authority.

(2) How to Apply


Contact the county health authority or DOH for information on specific requirements. Most use a Group B workbook, which must be completed for approval prior to construction, including specific information on the water source and the sanitary control area surrounding the source. The county health authority inspects the well site for approval prior to well-drilling.

A DOH fact sheet is online at:

 http://www.doh.wa.gov/ehp/dw/Publications/group_b_regulations.htm

Before beginning work on this permit, contact the WSDOT regional office environmental staff for guidance (see **Appendix G** for list of contacts).

For information and assistance on Group B systems, contact Amy Swecker, 360-236-3164, amy.koch@doh.wa.gov. Office of Drinking Water headquarters can be reached by phone at 800-521-0323. Regional offices of DOH Office of Drinking Water (ODW) may also be contacted. Information is available on the ODW Web site:

 http://www.doh.wa.gov/ehp/dw/fact_sheets/office_of_drinking_water.htm

550.11 Exhibits

None.

