
SENATE BILL 6628

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By Senators Haugen, Winsley, McCaslin, Heavey, Sheldon, Wood, Hale, Drew, Rasmussen, Loveland and Oke

Read first time 01/19/96. Referred to Committee on Government Operations.

1 AN ACT Relating to property rights dispute resolution; and amending
2 RCW 90.60.050, 90.60.060, and 7.75.060.

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

4 **Sec. 1.** RCW 90.60.050 and 1995 c 347 s 605 are each amended to
5 read as follows:

6 (1) Upon the request of a project applicant, the center shall
7 appoint a project facilitator ~~((to))~~ who shall:

8 (a) Assist the applicant in determining which regulatory
9 requirements, processes, and permits may be required for development
10 and operation of the proposed project ~~((The project facilitator shall))~~;
11

12 (b) Provide the information to the applicant and explain the
13 options available to the applicant in obtaining the required permits;
14 and

15 (c) Have the authority to act as the applicant's liaison with the
16 coordinating permit agency if: The applicant so designates under
17 subsection (2) of this section; and the applicant elects in writing to
18 designate the project facilitator as the applicant's liaison with the
19 coordinating permit agency. The applicant may, in writing, terminate

1 the applicant's designation of the project facilitator as liaison at
2 any time. The applicant shall give written notice of the termination
3 to the project facilitator who shall forward the notice to the
4 coordinating permit agency.

5 (2) If the applicant requests, the center shall designate a
6 coordinating permit agency as provided in RCW 90.60.060.

7 **Sec. 2.** RCW 90.60.060 and 1995 c 347 s 606 are each amended to
8 read as follows:

9 (1) A permit applicant who requests the designation of a
10 coordinating permit agency shall provide the center with a description
11 of the project, a preliminary list of the permits that the project may
12 require, the identity of any public agency that has been designated the
13 lead agency for the project pursuant to chapter 43.21C RCW, and the
14 identity of the participating permit agencies. The center may request
15 any information from the permit applicant that is necessary to make the
16 designation under this section, and may convene a scoping meeting of
17 the likely coordinating permit agency and participating permit agencies
18 in order to make that designation.

19 (2)(a) The coordinating permit agency shall serve as the main point
20 of contact for the permit applicant or the applicant's liaison with
21 regard to the coordinated permit process for the project and shall
22 manage the procedural aspects of that processing consistent with
23 existing laws governing the coordinating permit agency and
24 participating permit agencies, and with the procedures agreed to by
25 those agencies in accordance with RCW 90.60.070. In carrying out these
26 responsibilities, the coordinating permit agency shall ensure that the
27 permit applicant (~~has~~) and the applicant's liaison have all the
28 information needed to apply for all the component permits that are
29 incorporated in the coordinated permit process for the project,
30 coordinate the review of those permits by the respective participating
31 permit agencies, ensure that timely permit decisions are made by the
32 participating permit agencies, and assist, with the participation of
33 the applicant's liaison, in resolving any conflict or inconsistency
34 among the permit requirements and conditions that are to be imposed by
35 the participating permit agencies with regard to the project. The
36 coordinating permit agency shall keep in contact with the applicant or
37 liaison as well as other permit agencies in order to assure that the
38 process is progressing as scheduled. The coordinating permit agency

1 shall also make contact, at least once, with any local jurisdiction
2 that is responsible for issuing a permit for the project if the local
3 jurisdiction has not agreed to be a participating permit agency as
4 provided in RCW 90.60.020(6).

5 (b) If the applicant has designated a liaison under RCW
6 90.60.050(1)(c), the coordinating permit agency shall include the
7 liaison in all conferences, consultations, or deliberations with a
8 permit agency or other participant requested by the applicant under RCW
9 90.60.020(6)(b) to the fullest extent possible.

10 (3) This chapter shall not be construed to limit or abridge the
11 powers and duties granted to a participating permit agency under the
12 law that authorizes or requires the agency to issue a permit for a
13 project. Each participating permit agency shall retain its authority
14 to make all decisions on all nonprocedural matters with regard to the
15 respective component permit that is within its scope of its
16 responsibility, including, but not limited to, the determination of
17 permit application completeness, permit approval or approval with
18 conditions, or permit denial. The coordinating permit agency may not
19 substitute its judgment for that of a participating permit agency on
20 any such nonprocedural matters.

21 (4) If the applicant or liaison certifies in writing to the
22 coordinating permit agency that it would be futile to attempt any
23 further resolution of any conflict or inconsistency among the permit
24 requirements and conditions that are to be imposed by the participating
25 permit agencies with regard to the project, then if the applicant so
26 elects, the applicant, the coordinating permit agency, and all
27 participating permit agencies shall enter into a dispute resolution
28 process under chapter 7.75 RCW. A local jurisdiction contacted by the
29 coordinating permit agency under subsection (2)(a) of this section that
30 has not agreed to be a participating permit agency must be invited to
31 enter into the dispute resolution process.

32 **Sec. 3.** RCW 7.75.060 and 1984 c 258 s 506 are each amended to read
33 as follows:

34 (1) Any person who voluntarily enters a dispute resolution process
35 at a center established under this chapter may revoke his or her
36 consent, withdraw from dispute resolution, and seek judicial or
37 administrative redress prior to reaching a written resolution

1 agreement. The withdrawal shall be in writing. No legal penalty,
2 sanction, or restraint may be imposed upon the person.

3 (2) If any participating permit agency under RCW 90.60.020(4) is
4 found, by the director of the dispute resolution center hosting the
5 mediation to which the participating permit agency is a party, to fail
6 to continue to negotiate in good faith, then that agency's
7 participation in the mediation shall be terminated. The mediation
8 shall continue to conclusion without that agency's further
9 participation. At the conclusion of the mediation, that agency, the
10 participation of which had been terminated, shall, notwithstanding any
11 other provision of law, issue any permit and permissions necessary to
12 enable the written agreement under RCW 7.75.040 to be implemented to
13 its fullest extent.

14 (3) The mediation proceedings shall be terminated upon the finding
15 of the director of the dispute resolution center hosting the mediation
16 to which the applicant is a party that any applicant who elects to
17 enter into a dispute resolution process under RCW 90.60.060(4) is
18 failing to continue to negotiate in good faith. Termination has the
19 same effect as revocation of consent under subsection (1) of this
20 section.

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