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**SUBSTITUTE HOUSE BILL 1893**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Doumit, Mulliken, Scott, Linville and Hatfield)

Read first time 03/02/1999.

1 AN ACT Relating to streamlining state and local permit issuance;  
2 amending RCW 36.70A.020, 90.48.215, 90.48.220, 58.17.095, 90.60.020,  
3 90.60.030, and 90.60.100; adding new sections to chapter 90.48 RCW;  
4 adding a new section to chapter 75.20 RCW; adding new sections to  
5 chapter 90.60 RCW; adding a new section to chapter 47.01 RCW; adding a  
6 new section to chapter 43.30 RCW; adding a new section to chapter  
7 43.300 RCW; adding a new section to chapter 43.17 RCW; creating new  
8 sections; repealing RCW 43.131.387 and 43.131.388; and providing an  
9 expiration date.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that facilitating the  
12 environmental permit process will increase citizen satisfaction and  
13 compliance with state and local permit requirements. Lack of  
14 coordination in the processing of permit applications causes costly  
15 delays and frustration to the applicant. The public deserves a clear,  
16 predictable system for land-use decisions. The legislature also finds  
17 that permit issuance can be expedited by requiring state agencies and  
18 local jurisdictions to coordinate their permit processes.

1       **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each  
2 amended to read as follows:

3       The following goals are adopted to guide the development and  
4 adoption of comprehensive plans and development regulations of those  
5 counties and cities that are required or choose to plan under RCW  
6 36.70A.040. The following goals are not listed in order of priority  
7 and shall be used exclusively for the purpose of guiding the  
8 development of comprehensive plans and development regulations:

9       (1) Urban growth. Encourage development in urban areas where  
10 adequate public facilities and services exist or can be provided in an  
11 efficient manner.

12       (2) Reduce sprawl. Reduce the inappropriate conversion of  
13 undeveloped land into sprawling, low-density development.

14       (3) Transportation. Encourage efficient multimodal transportation  
15 systems that are based on regional priorities and coordinated with  
16 county and city comprehensive plans.

17       (4) Housing. Encourage the availability of affordable housing to  
18 all economic segments of the population of this state, promote a  
19 variety of residential densities and housing types, and encourage  
20 preservation of existing housing stock.

21       (5) Economic development. Encourage economic development  
22 throughout the state that is consistent with adopted comprehensive  
23 plans, promote economic opportunity for all citizens of this state,  
24 especially for unemployed and for disadvantaged persons, and encourage  
25 growth in areas experiencing insufficient economic growth, all within  
26 the capacities of the state's natural resources, public services, and  
27 public facilities.

28       (6) Property rights. Private property shall not be taken for  
29 public use without just compensation having been made. The property  
30 rights of landowners shall be protected from arbitrary and  
31 discriminatory actions.

32       (7) Permits. (~~Applications for both~~) State and local government  
33 permit(s) agencies should (~~be processed~~) coordinate and process  
34 permits in a timely and fair manner to ensure predictability for  
35 applicants.

36       (8) Natural resource industries. Maintain and enhance natural  
37 resource-based industries, including productive timber, agricultural,  
38 and fisheries industries. Encourage the conservation of productive

1 forest lands and productive agricultural lands, and discourage  
2 incompatible uses.

3 (9) Open space and recreation. Encourage the retention of open  
4 space and development of recreational opportunities, conserve fish and  
5 wildlife habitat, increase access to natural resource lands and water,  
6 and develop parks.

7 (10) Environment. Protect the environment and enhance the state's  
8 high quality of life, including air and water quality, and the  
9 availability of water.

10 (11) Citizen participation and coordination. Encourage the  
11 involvement of citizens in the planning process and ensure coordination  
12 between communities and jurisdictions to reconcile conflicts.

13 (12) Public facilities and services. Ensure that those public  
14 facilities and services necessary to support development shall be  
15 adequate to serve the development at the time the development is  
16 available for occupancy and use without decreasing current service  
17 levels below locally established minimum standards.

18 (13) Historic preservation. Identify and encourage the  
19 preservation of lands, sites, and structures, that have historical or  
20 archaeological significance.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW  
22 to read as follows:

23 (1) This section applies to the issuance of all permits under this  
24 chapter except permits issued pursuant to RCW 90.48.215, 90.48.220, and  
25 90.48.260.

26 (2) Except as otherwise provided in subsection (3) of this section,  
27 the department shall issue a final permit determination based on a  
28 project permit application within sixty days after the department  
29 notifies the applicant that the application is complete. In  
30 determining the number of days that have elapsed after the department  
31 has notified the applicant that the application is complete, the  
32 following periods shall be excluded:

33 (a)(i) Any period during which the applicant has been requested by  
34 the department to correct plans, perform required studies, or provide  
35 additional required information. The period shall be calculated from  
36 the date the department notifies the applicant of the need for  
37 additional information until the earlier of the date the department  
38 determines whether the additional information satisfies the request for

1 information or fourteen days after the date the information has been  
2 provided to the department.

3 (ii) If the department determines that the information submitted by  
4 the applicant under (a)(i) of this subsection is insufficient, it shall  
5 notify the applicant of the deficiencies and the procedures under  
6 (a)(i) of this subsection shall apply as if a new request for studies  
7 had been made;

8 (b) Any period for administrative appeals of project permits, if an  
9 open record appeal hearing or a closed record appeal, or both, are  
10 allowed; and

11 (c) Any extension of time mutually agreed upon by the applicant and  
12 the department.

13 (3) The time limits established by subsection (2) of this section  
14 do not apply if a project permit application is substantially revised  
15 by the applicant, in which case the time period shall start from the  
16 date at which the revised project application is determined to be  
17 complete under section 4 of this act.

18 (4) Until July 1, 2000, if the department is unable to issue a  
19 final permit determination within the time limits provided for in this  
20 section, it shall provide written notice of this fact to the project  
21 applicant. The notice shall include a statement of reasons why the  
22 time limits have not been met and an estimated date for issuance of the  
23 final permit determination. On and after July 1, 2000, if the  
24 department is unable to issue a final permit determination within the  
25 time limits provided for in this section, the applicant is deemed to  
26 have received a temporary permit. The department shall provide written  
27 notice to the project applicant that the applicant is deemed to have a  
28 temporary permit and may discharge waste materials as proposed in the  
29 permit application.

30 (5)(a) Temporary permits issued under this section remain fully  
31 effective and enforceable based on the information submitted as part of  
32 the completed application to discharge waste materials.

33 (b) Temporary permits shall be valid for no more than five years  
34 and shall continue in force until:

35 (i) The effective date of a permit issued by the department; or

36 (ii) The temporary permit is revoked by the department.

37 (c) The department may revoke a temporary permit or may initiate  
38 other actions under this chapter if:

1 (i) There is an unreported change in the nature or character of the  
2 wastes being discharged; or

3 (ii) If the department determines that the continued discharge as  
4 authorized by the temporary permit will pollute the waters of the state  
5 in violation of the public policy as declared in RCW 90.48.010.

6 (6) Beginning July 1, 1999, the department shall track the number  
7 of permits issued within sixty days, the number of approvals issued  
8 after the sixty-day timeline, the number of denials, the number of  
9 requests for information, and the number of applications that are  
10 withdrawn.

11 (7) This section applies to project permit applications filed on or  
12 after July 1, 1999.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW  
14 to read as follows:

15 (1) This section applies to the issuance of all permits pursuant to  
16 RCW 90.48.215, 90.48.220, and 90.48.260.

17 (2) Except as otherwise provided in subsection (3) of this section,  
18 the department shall issue a final permit determination on a project  
19 permit application within one hundred twenty days after the department  
20 notifies the applicant that the application is complete, except when  
21 federal law requires otherwise as provided in section 5 of this act.  
22 In determining the number of days that have elapsed after the  
23 department has notified the applicant that the application is complete,  
24 the following periods shall be excluded:

25 (a)(i) Any period during which the applicant has been requested by  
26 the department to correct plans, perform required studies, or provide  
27 additional required information. The period shall be calculated from  
28 the date the department notifies the applicant of the need for  
29 additional information until the earlier of the date the department  
30 determines whether the additional information satisfies the request for  
31 information or fourteen days after the date the information has been  
32 provided to the department.

33 (ii) If the department determines that the information submitted by  
34 the applicant under (a)(i) of this subsection is insufficient, it shall  
35 notify the applicant of the deficiencies and the procedures under  
36 (a)(i) of this subsection shall apply as if a new request for studies  
37 had been made;

1 (b) Any period for administrative appeals of project permits, if an  
2 open record appeal hearing or a closed record appeal, or both, are  
3 allowed; and

4 (c) Any extension of time mutually agreed upon by the applicant and  
5 the department.

6 (3) The time limits established by subsection (2) of this section  
7 do not apply if a project permit application is substantially revised  
8 by the applicant, in which case the time period shall start from the  
9 date at which the revised project application is determined to be  
10 complete under section 5 of this act.

11 (4) Until July 1, 2000, if the department is unable to issue a  
12 final permit determination within the time limits provided for in this  
13 section, it shall provide written notice of this fact to the project  
14 applicant. The notice shall include a statement of reasons why the  
15 time limits have not been met and an estimated date for issuance of the  
16 final permit determination. On and after July 1, 2000, if the  
17 department is unable to issue a final permit determination within the  
18 time limits provided for in this section, the applicant is deemed to  
19 have received a temporary permit. The department shall provide written  
20 notice to the project applicant that the applicant is deemed to have  
21 a temporary permit and may conduct activities as proposed in the  
22 application.

23 (5)(a) Temporary permits issued under this section remain fully  
24 effective and enforceable based on the information submitted as part of  
25 the completed application to discharge waste materials.

26 (b) Temporary permits shall be valid for no more than five years  
27 and shall continue in force until:

28 (i) The effective date of a permit issued by the department; or

29 (ii) The temporary permit is revoked by the department.

30 (c) The department may revoke a temporary permit or may initiate  
31 other actions under this chapter if:

32 (i) There is an unreported change in the nature or character of the  
33 wastes being discharged; or

34 (ii) If the department determines that the continued discharge as  
35 authorized by the temporary permit will pollute the waters of the state  
36 in violation of the public policy as declared in RCW 90.48.010.

37 (6) Beginning July 1, 1999, the department shall track the number  
38 of permits issued within one hundred twenty days, the number of  
39 approvals issued after the one hundred twenty-day timeline, the number

1 of denials, the number of requests for information, and the number of  
2 applications that are withdrawn.

3 (7) This section applies to project permit applications filed on or  
4 after July 1, 1999.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.48 RCW  
6 to read as follows:

7 (1) Within twenty-eight days after receiving a project permit  
8 application, the department shall mail or provide in person a written  
9 determination to the applicant, stating either:

10 (a) That the application is complete; or

11 (b) That the application is incomplete and what is necessary to  
12 make the application complete.

13 (2) A project permit application is complete for purposes of this  
14 section when it: (a) Meets the procedural submission requirements of  
15 the department; (b) has a threshold determination under chapter 43.21C  
16 RCW for either a determination of nonsignificance or a mitigated  
17 determination of nonsignificance or has a completed final environmental  
18 impact statement; (c) meets procedural and substantive requirements of  
19 federal law if applicable; and (d) is sufficient for continued  
20 processing even though additional information may be required or  
21 project modifications may be undertaken subsequently.

22 (3) Within fourteen days after an applicant has submitted to the  
23 department additional information identified by the department as being  
24 necessary for a complete application, the department shall notify the  
25 applicant whether the application is complete or what additional  
26 information is necessary.

27 (4) The determination of completeness shall not preclude the  
28 department from requesting additional information or studies either at  
29 the time of the notice of completeness or subsequently if new  
30 information is required or substantial changes in the proposed action  
31 occur.

32 (5) An application shall be deemed complete under this section if  
33 the department does not provide a written determination to the  
34 applicant that the application is incomplete as provided in subsections  
35 (1)(b) and (3) of this section.

36 **Sec. 6.** RCW 90.48.215 and 1989 c 293 s 1 are each amended to read  
37 as follows:

1 (1) The following definition shall apply to this section: "Upland  
2 finfish hatching and rearing facilities" means those facilities not  
3 located within waters of the state where finfish are hatched, fed,  
4 nurtured, held, maintained, or reared to reach the size of release or  
5 for market sale. This shall include fish hatcheries, rearing ponds,  
6 spawning channels, and other similarly constructed or fabricated public  
7 or private facilities.

8 (2) Not later than September 30, 1989, the department shall adopt  
9 standards pursuant to chapter 34.05 RCW for waste discharges from  
10 upland finfish hatching and rearing facilities. In establishing these  
11 standards, the department shall incorporate, to the extent applicable,  
12 studies conducted by the United States environmental protection agency  
13 on finfish rearing facilities and other relevant information. The  
14 department shall also issue a general permit as authorized by the  
15 federal clean water act, 33 U.S.C. 1251 et seq., or RCW 90.48.160 by  
16 September 30, 1989, for upland finfish hatching and rearing facilities.  
17 The department shall approve or deny applications for coverage under  
18 the general permit for upland finfish hatching and rearing facilities  
19 within one hundred (~~eighty~~) twenty days from the date of  
20 application(~~(7)~~) except when federal law requires otherwise or unless  
21 a longer time is required to satisfy public participation requirements  
22 in the permit process in accordance with applicable rules, or  
23 compliance with the requirements of the state environmental policy act  
24 under chapter 43.21C RCW. The department shall notify applicants for  
25 coverage by a general permit as soon as it determines that a proposed  
26 discharge meets or fails to comply with the standards or general permit  
27 conditions set forth pursuant to this section, or that a time period  
28 longer than one hundred (~~eighty~~) twenty days is necessary to satisfy  
29 public participation requirements or the state environmental policy  
30 act.

31 **Sec. 7.** RCW 90.48.220 and 1993 c 296 s 1 are each amended to read  
32 as follows:

33 (1) For the purposes of this section "marine finfish rearing  
34 facilities" means those private and public facilities located within  
35 the salt water of the state where finfish are fed, nurtured, held,  
36 maintained, or reared to reach the size of release or for market sale.



1 (2) Not later than October 31, 1994, the department shall adopt  
2 criteria under chapter 34.05 RCW for allowable sediment impacts from  
3 organic enrichment due to marine finfish rearing facilities.

4 (3) Not later than June 30, 1995, the department shall adopt  
5 standards under chapter 34.05 RCW for waste discharges from marine  
6 finfish rearing facilities. In establishing these standards, the  
7 department shall review and incorporate, to the extent possible,  
8 studies conducted by state and federal agencies on waste discharges  
9 from marine finfish rearing facilities, and any reports and other  
10 materials prepared by technical committees on waste discharges from  
11 marine finfish rearing facilities. The department shall approve or  
12 deny discharge permit applications for marine finfish rearing  
13 facilities within one hundred (~~eighty~~) twenty days from the date of  
14 application(~~(7)~~) except when federal law requires otherwise or unless  
15 a longer time is required to satisfy public participation requirements  
16 in the permit process in accordance with applicable rules, or  
17 compliance with the requirements of the state environmental policy act  
18 under chapter 43.21C RCW. The department shall notify applicants as  
19 soon as it determines that a proposed discharge meets or fails to  
20 comply with the standards adopted pursuant to this section, or if a  
21 time period longer than one hundred eighty days is necessary to satisfy  
22 public participation requirements of the state environmental policy  
23 act.

24 (4) The department may adopt rules to exempt marine finfish rearing  
25 facilities not requiring national pollutant discharge elimination  
26 system permits under the federal water pollution control act from the  
27 discharge permit requirement.

28 **Sec. 8.** RCW 58.17.095 and 1986 c 233 s 1 are each amended to read  
29 as follows:

30 (1) A county, city, or town may adopt an ordinance providing for  
31 the administrative review of a preliminary plat without a public  
32 hearing (~~(by adopting an ordinance providing for such administrative~~  
33 review)). The ordinance may specify a threshold number of lots in a  
34 subdivision above which a public hearing must be held, and may specify  
35 other factors which necessitate the holding of a public hearing. (~~The~~  
36 ~~administrative review process shall include the~~)

37 (2) If the county, city, or town has not adopted consolidated  
38 permitting procedures and time frames as provided in chapter 36.70B

1 RCW, it shall conduct administrative review of preliminary plats  
2 consistent with the following minimum conditions:

3 ~~((1))~~ (a) The notice requirements of RCW 58.17.090 shall be  
4 followed, except that the publication shall be made within ten days of  
5 the filing of the application. Additionally, at least ten days after  
6 the filing of the application notice both shall be: ~~((a))~~ (i) Posted  
7 on or around the land proposed to be subdivided in at least five  
8 conspicuous places designed to attract public awareness of the  
9 proposal; and ~~((b))~~ (ii) mailed to the owner of each lot or parcel of  
10 property located within at least three hundred feet of the site. The  
11 applicant shall provide the county, city, or town with a list of such  
12 property owners and their addresses. The notice shall include  
13 notification that no public hearing will be held on the application,  
14 except as provided by this section. The notice shall set out the  
15 procedures and time limitations for persons to require a public hearing  
16 and make comments.

17 ~~((2))~~ (b) Any person shall have a period of twenty days from the  
18 date of the notice to comment upon the proposed preliminary plat. All  
19 comments received shall be provided to the applicant. The applicant  
20 has seven days from receipt of the comments to respond thereto.

21 ~~((3))~~ (c) A public hearing on the proposed subdivision shall be  
22 held if any person files a request for a hearing with the county, city,  
23 or town within twenty-one days of the publishing of such notice. If  
24 such a hearing is requested, notice requirements for the public hearing  
25 shall be in conformance with RCW 58.17.090, and the ninety-day period  
26 for approval or disapproval of the proposed subdivision provided for in  
27 RCW 58.17.140 shall commence with the date of the filing of the request  
28 for a public hearing. Any hearing ordered under this subsection shall  
29 be conducted by the planning commission or hearings officer as required  
30 by county or city ordinance.

31 ~~((4))~~ (d) On its own initiative within twenty-one days of the  
32 filing of the request for approval of the subdivision, the governing  
33 body, or a designated employee or official, of the county, city, or  
34 town, shall be authorized to cause a public hearing to be held on the  
35 proposed subdivision within ninety days of the filing of the request  
36 for the subdivision.

37 ~~((5))~~ (e) If the public hearing is waived as provided in this  
38 section, the planning commission or planning agency shall complete the

1 review of the proposed preliminary plat and transmit its recommendation  
2 to the legislative body as provided in RCW 58.17.100.

3 (3) If the county, city, or town has adopted consolidated  
4 permitting procedures and time frames as provided in chapter 36.70B  
5 RCW, it may conduct administrative review of preliminary plats  
6 consistent with its procedures and time frames. At a minimum, local  
7 permitting procedures and time frames related to administrative review  
8 of preliminary plats shall provide for:

9 (a) Notice of application by publication, posting, and mailing.  
10 All forms of notice shall include a prominent statement that no public  
11 hearing will be held on the application, except as provided by this  
12 section. All forms of notice shall clearly state procedures and time  
13 frames for persons to make comments on the proposal and request a  
14 public hearing.

15 (b) Written comments on the application by any person. Comments  
16 received shall be provided to the applicant, and the applicant shall be  
17 provided seven days from receipt of the comments to respond thereto.

18 (c) A public hearing on the application if any person files a  
19 request for a hearing within the time frame specified. If a hearing is  
20 requested, notice requirements for the public hearing and the time  
21 frame for approval or disapproval of the application shall be  
22 consistent with other local permitting procedures. Any hearing  
23 conducted under this subsection shall be conducted by the planning  
24 commission or hearing officer as required by local ordinance.

25 (d) A public hearing on the application if the legislative or  
26 executive branch of the county, city, or town so requests within the  
27 time frame specified.

28 (e) Expedited agency review and transmittal of its recommendation  
29 on the application to the legislative body of the county, city, or  
30 town, if there is no request for public hearing.

31 NEW SECTION. Sec. 9. A new section is added to chapter 75.20 RCW  
32 to read as follows:

33 The department shall develop a pilot project to authorize the  
34 issuance of hydraulic permits by a county. Upon authorization, the  
35 county shall issue permits according to the department's rules. The  
36 county receiving authorization may impose fees to cover the costs of  
37 permit processing, except that no fees may be imposed for fish habitat  
38 restoration projects permitted under RCW 75.20.350. Such authorization

1 agreement shall contain provisions for effective monitoring and  
2 enforcement of hydraulic permits. The department shall not delegate  
3 rule-making authority in the pilot program. The department shall  
4 report the results of the pilot project to the legislature by December  
5 31, 2000. This section expires June 30, 2001.

6 **Sec. 10.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to  
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10 (1) "Center" means the permit assistance center established in the  
11 (~~commission~~~~[department]~~) department by RCW 90.60.030.

12 (2) "Coordinating permit agency" means the permit agency that has  
13 the greatest overall jurisdiction over a project.

14 (3) "Department" means the department of ecology.

15 (4) "Participating permit agency" means a permit agency, other than  
16 the coordinating permit agency, that is responsible for the issuance of  
17 a permit for a project.

18 (5) "Parties" collectively means the coordinating permit agency,  
19 permit agency, and participating permit agency.

20 (6) "Permit" means any license, certificate, registration, permit,  
21 or other form of authorization required by a permit agency to engage in  
22 a particular activity.

23 (~~(6)~~) (7) "Permit agency" means:

24 (a) The department of ecology, an air pollution control authority,  
25 the department of natural resources, the department of fish and  
26 wildlife, and the department of health; and

27 (b) Any other state or federal agency or county, city, or town that  
28 participates at the request of the permit applicant and upon the  
29 agency's agreement to be subject to this chapter.

30 (~~(7)~~) (8) "Project" means an activity, the conduct of which  
31 requires permits from one or more permit agencies.

32 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.60 RCW  
33 to read as follows:

34 The center shall establish regional center offices at four  
35 department regional or field offices to provide better access to the  
36 center's services in all areas of the state.

1       **Sec. 12.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to  
2 read as follows:

3       (1) The permit assistance center is established within the  
4 department. The center shall:

5       (~~(1)~~) (a) Publish and keep current one or more handbooks  
6 containing lists and explanations of all permit laws. To the extent  
7 possible, the handbook shall include relevant local, state, federal,  
8 and tribal laws. A state agency or local government shall provide a  
9 reasonable number of copies of application forms, statutes, ordinances,  
10 rules, handbooks, and other informational material requested by the  
11 center and shall otherwise fully cooperate with the center. The center  
12 shall seek the cooperation of relevant federal agencies and tribal  
13 governments;

14       (~~(2)~~) (b) Establish, and make known, a point of contact for  
15 distribution of the handbook and advice to the public as to its  
16 interpretation in any given case;

17       (~~(3)~~) (c) Work closely and cooperatively with the business  
18 license center in providing efficient and nonduplicative service to the  
19 public;

20       (~~(4)~~) (d) Seek the assignment of employees from the permit  
21 agencies (~~(listed under RCW 90.60.020(6)(a))~~) as defined in this  
22 chapter to serve on a rotating basis in staffing the center;

23       (~~(5)~~) (e) Collect and disseminate information to public and  
24 private entities on federal, state, local, and tribal government  
25 programs that rely on private professional expertise to assist  
26 governmental agencies in project permit review; and

27       (~~(6)~~) (f) Provide (~~(an annual)~~) a biennial report to the  
28 legislature (~~(on potential conflicts and perceived inconsistencies~~  
29 ~~among existing statutes. The first report shall be submitted to the~~  
30 ~~appropriate standing committees of the house of representatives and~~  
31 ~~senate by December 1, 1996.)~~) that:

32       (i) Includes statutory and other recommendations for streamlining  
33 and coordinating environmental permitting in Washington;

34       (ii) Summarizes the results of the center's efforts to measure  
35 performance and outcomes over time;

36       (iii) Summarizes, evaluates, and makes statutory and other  
37 recommendations for improving the center's and permitting agencies'  
38 efforts to provide public notice efficiently and for promoting  
39 effective public participation in permitting processes;

1 (iv) Details efforts on the part of the center, the department, and  
2 the parties to promote the public's trust and confidence in the  
3 permitting process. Examples of such efforts include, but are not  
4 limited to, the development of statutory and other policies and  
5 procedures, guidance, roles, and responsibilities; and

6 (v) Shows revenues generated by the center's services, and the  
7 center's budget and expenditures.

8 (2) The department shall prioritize the expenditure of general fund  
9 moneys allotted to the center to provide a set of services to the  
10 applicants of small projects.

11 (3) The permit assistance center shall work in collaboration with  
12 local jurisdictions and state agencies to jointly develop and  
13 coordinate an integrated permit process. The permit assistance center  
14 shall report on its progress in developing an integrated permit process  
15 by December 1, 1999. At a minimum, the integrated permit process in  
16 this section shall consist of:

17 (a) One or more preapplication conferences that:

18 (i) Include the applicant, the project coordinator, the local  
19 permit facilitator, and the permit assistance center acting as state  
20 permit facilitator;

21 (ii) Discuss options for project design and for land use,  
22 environmental review, and permitting;

23 (iii) Identify potential permitting agencies, permits, schedules,  
24 and costs; and

25 (iv) Identify a potential project team that includes  
26 representatives of the applicant and relevant local and state  
27 permitting agencies;

28 (b) A determination of completeness of the project application  
29 provided by the permitting agencies or jurisdictions to the applicant  
30 within a determined time frame after receipt of requested  
31 supplementation that includes both a determination of completeness  
32 issued by the municipality, according to its local permit review  
33 process, and determinations of completeness issued by the state  
34 permitting agencies;

35 (c) Coordination of permitting and integration of processes that:

36 (i) Is achieved by negotiation among the applicant and the various  
37 permitting agencies;

38 (ii) Results in an integrated schedule keyed to the longest notice  
39 and public hearing requirement;

- 1        (iii) Includes negotiations for cost recovery arrangements for  
2 permitting agencies; and  
3        (iv) Uses an integrated record of decision;  
4        (d) An integrated review includes:  
5        (i) Issuance of threshold determination under chapter 43.21C RCW;  
6        (ii) Public notice that describes the project, the permits, the  
7 applicable regulations, and any preliminary determinations; lists and  
8 gives the location of documents and studies; describes public comment,  
9 hearing, and appeal processes; and sets out the schedule; and  
10       (iii) An integrated public hearing held in the municipality;  
11       (e) Coordination of local appeals and state appeals; and  
12       (f) An integrated decision.

13        **Sec. 13.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to  
14 read as follows:

15        (1) The ~~((coordinating permit agency))~~ parties may enter into a  
16 written cost-reimbursement agreement with the applicant to recover from  
17 the applicant the reasonable costs incurred by the ~~((coordinating~~  
18 ~~permit agency))~~ parties in carrying out the requirements of this  
19 chapter, as well as the requirements of other relevant laws, as they  
20 relate to permit coordination, environmental review, application  
21 review, technical studies, and permit processing.

22        (2) The ~~((coordinating permit agency may recover only the costs of~~  
23 ~~performing those coordinated permit services and))~~ written cost-  
24 reimbursement agreement shall be negotiated with the permit applicant  
25 ~~((in))~~ following the meeting required pursuant to RCW 90.60.070.  
26 Permit agencies may assign work to current staff, temporary staff, or  
27 technical consultants in order to carry out the work covered by the  
28 written cost-reimbursement agreement or the work remaining for the  
29 permit agency as a result of the coordinated permit process. The  
30 billing process shall provide for accurate time and cost accounting and  
31 may include a billing cycle that provides for progress payments.

32        NEW SECTION. **Sec. 14.** A new section is added to chapter 90.60 RCW  
33 to read as follows:

34        (1) State permitting agencies shall participate in developing the  
35 integrated permit process, including the integrated public hearing, and  
36 use the integrated record of decision.

1 (2) State permitting agencies shall review procedures for  
2 developing an integrated state appeal procedure, which would utilize  
3 the integrated record of decision.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 47.01 RCW  
5 to read as follows:

6 The legislature recognizes that the department is working to  
7 develop programmatic permits with state and federal agencies to address  
8 project and maintenance impacts under the federal endangered species  
9 act and the federal clean water act. The legislature encourages the  
10 department's efforts in this regard and directs the department to work  
11 collaboratively with local governments when negotiating and developing  
12 these programmatic permits and to provide local governments with  
13 opportunity to participate in this process to the extent practicable.

14 NEW SECTION. **Sec. 16.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 43.131.387 (Permit assistance center--Termination) and 1995  
17 c 347 s 617; and

18 (2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c  
19 347 s 618.

20 NEW SECTION. **Sec. 17.** If specific funding for the purposes of  
21 section 11 of this act, referencing section 11 of this act by bill or  
22 chapter number and section number, is not provided by June 30, 1999, in  
23 the omnibus appropriations act, section 11 of this act is null and  
24 void.

25 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.30 RCW  
26 to read as follows:

27 The legislature encourages the department to develop programmatic  
28 permits with state and federal agencies to address impacts under the  
29 federal endangered species act and the federal clean water act. The  
30 legislature also directs the department to work collaboratively with  
31 local governments when negotiating and developing these programmatic  
32 permits to the extent practicable.

33 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.300  
34 RCW to read as follows:



1       The legislature encourages the department to develop programmatic  
2 permits with state and federal agencies to address impacts under the  
3 federal endangered species act and the federal clean water act. The  
4 legislature also directs the department to work collaboratively with  
5 local governments when negotiating and developing these programmatic  
6 permits to the extent practicable.

7       NEW SECTION. **Sec. 20.** A new section is added to chapter 43.17 RCW  
8 to read as follows:

9       The legislature encourages the department of ecology to develop  
10 programmatic permits with state and federal agencies to address impacts  
11 under the federal endangered species act and the federal clean water  
12 act. The legislature also directs the department of ecology to work  
13 collaboratively with local governments when negotiating and developing  
14 these programmatic permits to the extent practicable.

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