

2 **ESSB 5378** - S AMD 452  
3 By Senator Snyder

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature recognizes that there are  
8 numerous regulations requiring local governments to protect the  
9 environment, and salmon in particular. The growth management act  
10 requires that county and city development regulations include best  
11 available science when designating and protecting critical areas,  
12 including fish and wildlife areas, wetlands, and frequently flooded  
13 areas. The growth management act also requires counties and cities to  
14 give special consideration to conservation and protection measures  
15 necessary to preserve or enhance anadromous fisheries. In addition,  
16 most counties and cities must comply with the federal clean water act.  
17 Many counties and cities must develop storm water management plans and  
18 must require those developing property to use best management practices  
19 to prevent storm water runoff. Counties and cities must also comply  
20 with the state environmental policy act. Many counties and cities also  
21 have in place flood hazard reduction programs, are engaged in watershed  
22 planning, and are engaged in salmon recovery limiting factors analysis.

23 It is the intent of this act to coordinate the planning process of  
24 the growth management act, chapter 36.70A RCW, and the shoreline  
25 management act, chapter 90.58 RCW.

26 **Sec. 2.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to  
27 read as follows:

28 (1) It is the intent of this section to coordinate the planning  
29 process and timelines of the growth management act, chapter 36.70A RCW,  
30 and the shoreline management act, chapter 90.58 RCW. The legislature  
31 finds the planning under these chapters should be on the same schedule  
32 to fully integrate the statutory requirements of each. The legislature  
33 recognizes the significant time, effort, and expense for local  
34 governments and the department associated with the review and  
35 evaluation required by this section and recognizes a need to balance

1 the importance of this review and evaluation with the associated time,  
2 efforts, and expense. Therefore, the legislature intends to establish  
3 a phased schedule for review and evaluation of comprehensive plans and  
4 development regulations under this chapter.

5 (2)(a) Each comprehensive land use plan and development regulations  
6 shall be subject to continuing review and evaluation by the county or  
7 city that adopted them. (~~Not later than September 1, 2002, and at~~  
8 ~~least every five years thereafter,)~~ A county or city planning under  
9 RCW 36.70A.040 shall take action to review and, if needed, revise its  
10 comprehensive land use plan and development regulations to ensure  
11 (~~that~~) the plan and regulations (~~are complying~~) comply with the  
12 requirements of this chapter according to the time periods specified in  
13 subsection (5) of this section. A county or city not planning under  
14 RCW 36.70A.040 shall take action to review and, if needed, revise its  
15 policies and development regulations regarding critical areas and  
16 natural resource lands adopted according to this chapter to ensure  
17 these policies and regulations comply with the requirements of this  
18 chapter according to the time periods specified in subsection (5) of  
19 this section. The review and evaluation required by this subsection  
20 may be combined with the review required by subsection (~~(3)~~) (4) of  
21 this section.

22 (b) Any amendment of or revision to a comprehensive land use plan  
23 shall conform to this chapter(~~, and~~). Any (~~change~~) amendment of or  
24 revision to development regulations shall be consistent with and  
25 implement the comprehensive plan.

26 (~~(2)~~) (3)(a) Each county and city shall establish and broadly  
27 disseminate to the public a public participation program identifying  
28 procedures whereby proposed amendments or revisions of the  
29 comprehensive plan are considered by the governing body of the county  
30 or city no more frequently than once every year (~~except that~~).  
31 Amendments may be considered more frequently than once per year under  
32 the following circumstances:

- 33 (i) The initial adoption of a subarea plan;
- 34 (ii) The adoption or amendment of a shoreline master program under  
35 the procedures set forth in chapter 90.58 RCW; and
- 36 (iii) The amendment of the capital facilities element of a  
37 comprehensive plan that occurs concurrently with the adoption or  
38 amendment of a county or city budget.

1 (b) Except as otherwise provided in (a) of this subsection, all  
2 proposals shall be considered by the governing body concurrently so the  
3 cumulative effect of the various proposals can be ascertained.  
4 However, after appropriate public participation a county or city may  
5 adopt amendments or revisions to its comprehensive plan that conform  
6 with this chapter whenever an emergency exists or to resolve an appeal  
7 of a comprehensive plan filed with a growth management hearings board  
8 or with the court.

9 ~~((3))~~ (4) Each county that designates urban growth areas under  
10 RCW 36.70A.110 shall review, at least every ten years, its designated  
11 urban growth area or areas, and the densities permitted within both the  
12 incorporated and unincorporated portions of each urban growth area. In  
13 conjunction with this review by the county, each city located within an  
14 urban growth area shall review the densities permitted within its  
15 boundaries, and the extent to which the urban growth occurring within  
16 the county has located within each city and the unincorporated portions  
17 of the urban growth areas. The county comprehensive plan designating  
18 urban growth areas, and the densities permitted in the urban growth  
19 areas by the comprehensive plans of the county and each city located  
20 within the urban growth areas, shall be revised to accommodate the  
21 urban growth projected to occur in the county for the succeeding  
22 twenty-year period. The review required by this subsection may be  
23 combined with the review and evaluation required by RCW 36.70A.215.

24 (5) The department shall establish a schedule for counties and  
25 cities to conduct the review and evaluation required by subsection (2)  
26 of this section. The schedule established by the department shall  
27 provide for the reviews and evaluations to be completed as follows:

28 (a) On or before the following dates, and at least every five years  
29 thereafter, for Clark, King, Kitsap, Pierce, Snohomish, and Thurston  
30 counties and the cities within those counties:

31 (i) December 1, 2003, for policies and regulations regarding  
32 critical areas. However, any amendments to these policies and  
33 regulations adopted as a result of this review and evaluation shall not  
34 be effective before July 1, 2004; and

35 (ii) July 1, 2004, for policies, comprehensive plans, and  
36 development regulations other than policies and regulations regarding  
37 critical areas that are adopted according to this chapter;

1 (b) On or before December 1, 2004, and at least every ten years  
2 thereafter, for Clallam, Jefferson, and Whatcom counties and the cities  
3 within those counties;

4 (c) On or before December 1, 2005, and at least every ten years  
5 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
6 Skamania counties and the cities within those counties;

7 (d) On or before December 1, 2006, and at least every ten years  
8 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
9 Yakima counties and the cities within those counties; and

10 (e) On or before December 1, 2007, and at least every ten years  
11 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
12 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
13 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
14 within those counties.

15 (6) Nothing in this section precludes a county or city from  
16 conducting the review and evaluation required by this section before  
17 the time limits established in subsection (5) of this section.  
18 Counties and cities may begin this process early and may be eligible  
19 for grants from the department, subject to available funding, if they  
20 elect to do so.

21 (7) A county or city subject to the time periods in subsection  
22 (5)(a) of this section that, pursuant to an ordinance adopted by the  
23 county or city establishing a schedule for periodic review of its  
24 comprehensive plan and development regulations, has conducted a review  
25 and evaluation of its comprehensive plan and development regulations  
26 and, on or after January 1, 2001, has taken action in response to that  
27 review and evaluation shall be deemed to have conducted the first  
28 review required by subsection (5)(a) of this section. Subsequent  
29 review and evaluation by the county or city of its comprehensive plan  
30 and development regulations shall be conducted in accordance with the  
31 time periods established under subsection (5)(a) of this section.

32 **Sec. 3.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to  
33 read as follows:

34 (1) The department shall periodically review and adopt guidelines  
35 consistent with RCW 90.58.020, containing the elements specified in RCW  
36 90.58.100 for:

37 (a) Development of master programs for regulation of the uses of  
38 shorelines; and

1 (b) Development of master programs for regulation of the uses of  
2 shorelines of statewide significance.

3 (2) Before adopting or amending guidelines under this section, the  
4 department shall provide an opportunity for public review and comment  
5 as follows:

6 (a) The department shall mail copies of the proposal to all cities,  
7 counties, and federally recognized Indian tribes, and to any other  
8 person who has requested a copy, and shall publish the proposed  
9 guidelines in the Washington state register. Comments shall be  
10 submitted in writing to the department within sixty days from the date  
11 the proposal has been published in the register.

12 (b) The department shall hold at least four public hearings on the  
13 proposal in different locations throughout the state to provide a  
14 reasonable opportunity for residents in all parts of the state to  
15 present statements and views on the proposed guidelines. Notice of the  
16 hearings shall be published at least once in each of the three weeks  
17 immediately preceding the hearing in one or more newspapers of general  
18 circulation in each county of the state. If an amendment to the  
19 guidelines addresses an issue limited to one geographic area, the  
20 number and location of hearings may be adjusted consistent with the  
21 intent of this subsection to assure all parties a reasonable  
22 opportunity to comment on the proposed amendment. The department shall  
23 accept written comments on the proposal during the sixty-day public  
24 comment period and for seven days after the final public hearing.

25 (c) At the conclusion of the public comment period, the department  
26 shall review the comments received and modify the proposal consistent  
27 with the provisions of this chapter. The proposal shall then be  
28 published for adoption pursuant to the provisions of chapter 34.05 RCW.

29 (3) The department may propose amendments to the guidelines not  
30 more than once each year. At least once every ~~((five))~~ ten years the  
31 department shall conduct a review of the guidelines pursuant to the  
32 procedures outlined in subsection (2) of this section.

33 **Sec. 4.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to  
34 read as follows:

35 (1)(a) It is the intent of this section to coordinate the planning  
36 process and timelines of the growth management act, chapter 36.70A RCW,  
37 and the shoreline management act, chapter 90.58 RCW. The legislature  
38 finds the planning under these chapters should be on the same schedule

1 to fully integrate the statutory requirements of each. The legislature  
2 recognizes a need to balance the importance of master program  
3 development or amendment with the associated time, effort, and expense  
4 of preparing, adopting, and implementing master programs. Therefore,  
5 the legislature intends to establish a phased schedule of master  
6 program development or amendment based on guidelines adopted according  
7 to RCW 90.58.060.

8 (b) It is also the intent of this section to provide a time period  
9 for review and consideration of the financial, environmental, economic,  
10 and other impacts of preparing, adopting, and implementing shoreline  
11 master programs according to guidelines adopted under this chapter.  
12 The legislature recognizes the significant time, effort, and expense  
13 for local governments and the department associated with master program  
14 development and the potential for substantial environmental and  
15 economic impacts associated with master program development or  
16 amendment. Therefore, the legislature intends, through its phased  
17 schedule, to provide for development or amendment of master programs by  
18 the larger counties and cities first so that:

19 (i) The experiences of these jurisdictions with implementing the  
20 requirements of this section shall be reviewed by the committee created  
21 in section 5 of this act before the deadlines established for other  
22 jurisdictions;

23 (ii) The committee established in section 5 of this act shall  
24 consider and recommend to the legislature any changes to the  
25 requirements of this section or the schedule established in this  
26 section before the deadlines established for other jurisdictions; and

27 (iii) The legislature may consider, based on the experiences of the  
28 larger jurisdictions and the recommendations of the committee, whether  
29 any statutory or regulatory changes are needed before the deadlines  
30 established for other jurisdictions.

31 (2) Local governments shall develop or amend(~~(, within twenty-four~~  
32 months after the adoption of guidelines as provided in RCW 90.58.060,~~)~~)  
33 a master program for regulation of uses of the shorelines of the state  
34 consistent with the required elements of the guidelines adopted by the  
35 department according to the time periods specified in this subsection.  
36 The department shall establish a schedule for local governments to  
37 develop or amend their master programs as follows:

1       (a) On or before December 1, 2003, and at least every five years  
2 thereafter, for Clark, King, Kitsap, Pierce, Snohomish, and Thurston  
3 counties and the cities within those counties;

4       (b) On or before December 1, 2004, and at least every ten years  
5 thereafter, for Clallam, Jefferson, and Whatcom counties and the cities  
6 within those counties;

7       (c) On or before December 1, 2005, and at least every ten years  
8 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
9 Skamania counties and the cities within those counties;

10       (d) On or before December 1, 2006, and at least every ten years  
11 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
12 Yakima counties and the cities within those counties; and

13       (e) On or before December 1, 2007, and at least every ten years  
14 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
15 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
16 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
17 within those counties.

18       (3) Nothing in this section precludes a local government from  
19 developing or amending its master program before the time limits  
20 established in this section. Local governments may begin this process  
21 early and may be eligible for available grants from the department,  
22 subject to available funding, if they elect to do so.

23       (4) Local governments shall report the actual costs of satisfying  
24 the requirements of this section, including but not limited to all  
25 costs related to effects identified in section 5(2)(b) of this act, to  
26 the committee created in section 5 of this act.

27       (5) In revising the provisions of this section, the legislature  
28 does not intend to imply legislative approval or disapproval of any  
29 administrative actions taken or guidelines adopted by the department  
30 under this chapter.

31       NEW SECTION. Sec. 5. A new section is added to chapter 90.58 RCW  
32 to read as follows:

33       (1) A shorelines oversight committee is hereby established. The  
34 committee shall consist of the following twelve members or their  
35 designees:

36       (a) Six members of the house of representatives, with three from  
37 each major political party, appointed by the co-speakers, or by the  
38 speaker and the minority leader, of the house of representatives; and

1 (b) Six members of the senate, with three from each major political  
2 party, appointed by the majority and minority leaders of the senate.

3 (2) The committee shall conduct a shoreline master program  
4 guidelines implementation assessment as provided in subsection (3) of  
5 this section, periodically review the information and findings from  
6 this assessment, consider whether any statutory or regulatory changes  
7 are needed or desirable based on the results of this assessment, and  
8 provide periodic reports on the assessment, including any legislative  
9 recommendations, as specified in subsection (4) of this section. At a  
10 minimum, the shoreline master program guidelines implementation  
11 assessment shall include review and study of and findings regarding:

12 (a) Progress of the larger jurisdictions in developing or amending  
13 master programs consistent with the guidelines;

14 (b) Actual immediate and ongoing effects to the larger  
15 jurisdictions in developing or amending master programs consistent with  
16 the guidelines, including but not limited to effects associated with  
17 planning, public review and comment, amendments, adoption, department  
18 review and approval, appeals, any required revisions, and  
19 implementation;

20 (c) Actual immediate and ongoing effects to businesses and property  
21 owners from implementation of master programs developed or amended  
22 consistent with the guidelines;

23 (d) Comparison of the effects of alternative approaches to  
24 guidelines implementation authorized by the guidelines;

25 (e) Use or impact, if any, of master programs developed or amended  
26 consistent with the guidelines in seeking or obtaining approval of a  
27 habitat conservation plan under 16 U.S.C. Sec. 1539, a no jeopardy  
28 opinion or an exemption under 16 U.S.C. Sec. 1536, or an exemption  
29 under 16 U.S.C. Sec. 1533(d) by any local government that includes area  
30 subject to a listing of a species as either threatened or endangered  
31 under the federal endangered species act, 16 U.S.C. Sec. 1538;

32 (f) The impact, if any, of implementing master programs developed  
33 or amended consistent with the guidelines on natural resource  
34 extraction and natural resource-based industries;

35 (g) The need or desirability, if any, of adapting the guidelines  
36 for master programs to be implemented in rural areas;

37 (h) Actual immediate and ongoing effects for water quality, habitat  
38 protection, public access to the shorelines, and other shoreline values  
39 and qualities to businesses and property owners, local governments, and

1 the general public from implementation of master programs developed or  
2 amended consistent with the guidelines;

3 (i) The amount of lineal acreage, public and private, restricted in  
4 no-use buffers, and the effects on local tax assessments;

5 (j) Any potential statutory or regulatory changes needed or  
6 desirable for facilitating development or amendment of master programs  
7 by other jurisdictions or for addressing concerns raised by the  
8 implementation of master programs developed or amended consistent with  
9 the guidelines in the larger jurisdictions; and

10 (k) Any other topic or issue the committee deems relevant to the  
11 review required by this section.

12 (3)(a) The committee shall contract for the assessment required by  
13 subsection (2) of this section. The committee shall select the  
14 contractor or contractors to perform the assessment. The contractor or  
15 contractors shall work with and provide periodic reports to the  
16 committee on the status of the assessment. At a minimum, the  
17 contractor or contractors shall present annual reports to the committee  
18 on or before November 1st of each year from 2001 through 2005.

19 (b) In developing the assessment, the contractor or contractors  
20 shall establish and work with an advisory committee or committees,  
21 including but not limited to representatives of the following: State  
22 agencies, local governments, businesses, environmental organizations,  
23 agricultural organizations, residential construction and development  
24 organizations, the appropriate unions, commercial and recreational  
25 fishing organizations, tribes, recreation and public access  
26 organizations, and any other members as determined by the contractor or  
27 contractors.

28 (4) The committee shall commence July 1, 2001, and shall provide  
29 annual reports to the legislature on or before November 30th of each  
30 year between 2001 and 2005. The annual reports and the final report of  
31 the committee shall include any agreed upon recommendations for  
32 legislation made by the committee or other options discussed by the  
33 committee during the relevant time period. The committee shall expire  
34 June 30, 2006.

35 (5) The committee shall be cochaired by one state senator and one  
36 state representative chosen by the committee. Members of the committee  
37 shall be reimbursed for travel expenses as provided in RCW 44.04.120.  
38 The staff of senate committee services and the office of program  
39 research of the house of representatives shall staff the committee.

1 The open public meetings act shall apply to all meetings and hearings  
2 of the committee. Rules of procedure shall be established at the first  
3 meeting of the committee.

4 (6) Based upon its experiences with the larger jurisdictions'  
5 implementation of master programs developed or amended consistent with  
6 the guidelines and in consideration of the committee's recommendations,  
7 the department shall submit to the legislature any proposed amendments  
8 to this chapter or to the guidelines before December 31, 2005. Any  
9 proposed amendments to the guidelines submitted to the legislature  
10 according to this subsection shall not take effect before the end of  
11 the regular legislative session. Based on the committee's final  
12 report, the department shall propose final guideline amendments  
13 developed through a negotiated rule making process and submit them to  
14 the legislature on or before December 31, 2005. During the regular  
15 legislative session following receipt of the committee's final report  
16 and the department's final proposed guideline amendments, the  
17 legislature shall consider modifying this chapter to sunset or amend  
18 the guidelines.

19 **Sec. 6.** RCW 90.58.090 and 1997 c 429 s 50 are each amended to read  
20 as follows:

21 (1) A master program, segment of a master program, or an amendment  
22 to a master program shall become effective when approved by the  
23 department. Within the time period provided in RCW 90.58.080, each  
24 local government shall have submitted a master program, either totally  
25 or by segments, for all shorelines of the state within its jurisdiction  
26 to the department for review and approval.

27 (2) Upon receipt of a proposed master program or amendment, the  
28 department shall:

29 (a) Provide notice to and opportunity for written comment by all  
30 interested parties of record as a part of the local government review  
31 process for the proposal and to all persons, groups, and agencies that  
32 have requested in writing notice of proposed master programs or  
33 amendments generally or for a specific area, subject matter, or issue.  
34 The comment period shall be at least thirty days, unless the department  
35 determines that the level of complexity or controversy involved  
36 supports a shorter period;

1 (b) In the department's discretion, conduct a public hearing during  
2 the thirty-day comment period in the jurisdiction proposing the master  
3 program or amendment;

4 (c) Within fifteen days after the close of public comment, request  
5 the local government to review the issues identified by the public,  
6 interested parties, groups, and agencies and provide a written response  
7 as to how the proposal addresses the identified issues;

8 (d) Within thirty days after receipt of the local government  
9 response pursuant to (c) of this subsection, make written findings and  
10 conclusions regarding the consistency of the proposal with the policy  
11 of RCW 90.58.020 and the applicable guidelines, provide a response to  
12 the issues identified in (c) of this subsection, and either approve the  
13 proposal as submitted, recommend specific changes necessary to make the  
14 proposal approvable, or deny approval of the proposal in those  
15 instances where no alteration of the proposal appears likely to be  
16 consistent with the policy of RCW 90.58.020 and the applicable  
17 guidelines. The written findings and conclusions shall be provided to  
18 the local government, all interested persons, parties, groups, and  
19 agencies of record on the proposal;

20 (e) If the department recommends changes to the proposed master  
21 program or amendment, within thirty days after the department mails the  
22 written findings and conclusions to the local government, the local  
23 government may:

24 (i) Agree to the proposed changes. The receipt by the department  
25 of the written notice of agreement constitutes final action by the  
26 department approving the amendment; or

27 (ii) Submit an alternative proposal. If, in the opinion of the  
28 department, the alternative is consistent with the purpose and intent  
29 of the changes originally submitted by the department and with this  
30 chapter it shall approve the changes and provide written notice to all  
31 recipients of the written findings and conclusions. If the department  
32 determines the proposal is not consistent with the purpose and intent  
33 of the changes proposed by the department, the department may resubmit  
34 the proposal for public and agency review pursuant to this section or  
35 reject the proposal.

36 (3) The department shall approve the segment of a master program  
37 relating to shorelines unless it determines that the submitted segments  
38 are not consistent with the policy of RCW 90.58.020 and the applicable  
39 guidelines.

1 (4) The department shall approve those segments of the master  
2 program relating to shorelines of statewide significance only after  
3 determining the program provides the optimum implementation of the  
4 policy of this chapter to satisfy the statewide interest. If the  
5 department does not approve a segment of a local government master  
6 program relating to a shoreline of statewide significance, the  
7 department may develop and by rule adopt an alternative to the local  
8 government's proposal.

9 (5) The department shall recognize that local governments must plan  
10 for reasonable and appropriate uses along with the public interest and  
11 environmental objectives in implementing the policy of this chapter.  
12 This planning may allow alterations of the natural conditions of the  
13 shoreline in those limited instances provided for in RCW 90.58.020.

14 (6) In the event a local government has not complied with the  
15 requirements of RCW 90.58.070 it may thereafter upon written notice to  
16 the department elect to adopt a master program for the shorelines  
17 within its jurisdiction, in which event it shall comply with the  
18 provisions established by this chapter for the adoption of a master  
19 program for such shorelines.

20 Upon approval of such master program by the department it shall  
21 supersede such master program as may have been adopted by the  
22 department for such shorelines.

23 (~~(6)~~) (7) A master program or amendment to a master program takes  
24 effect when and in such form as approved or adopted by the department.  
25 Shoreline master programs that were adopted by the department prior to  
26 July 22, 1995, in accordance with the provisions of this section then  
27 in effect, shall be deemed approved by the department in accordance  
28 with the provisions of this section that became effective on that date.  
29 The department shall maintain a record of each master program, the  
30 action taken on any proposal for adoption or amendment of the master  
31 program, and any appeal of the department's action. The department's  
32 approved document of record constitutes the official master program.

33 NEW SECTION. Sec. 7. A new section is added to chapter 90.58 RCW  
34 to read as follows:

35 (1) The guidelines adopted by the department and master programs  
36 developed or amended by local governments according to RCW 90.58.080  
37 shall not require modification of or limit agricultural activities  
38 occurring on agricultural lands. In jurisdictions where agricultural

1 activities occur, master programs developed or amended after the  
2 effective date of this act shall include provisions addressing new  
3 agricultural activities on land not meeting the definition of  
4 agricultural land, conversion of agricultural lands to other uses, and  
5 development not meeting the definition of agricultural activities.  
6 Nothing in this section limits or changes the terms of the current  
7 exception to the definition of substantial development in RCW  
8 90.58.030(3)(e)(iv).

9 (2) For the purposes of this section:

10 (a) "Agricultural activities" means agricultural uses and practices  
11 including, but not limited to: Producing, breeding, or increasing  
12 agricultural products; rotating and changing agricultural crops;  
13 allowing land used for agricultural activities to lie fallow in which  
14 it is plowed and tilled but left unseeded; allowing land used for  
15 agricultural activities to lie dormant as a result of adverse  
16 agricultural market conditions; allowing land used for agricultural  
17 activities to lie dormant because the land is enrolled in a local,  
18 state, or federal conservation program, or the land is subject to a  
19 conservation easement; conducting agricultural operations; maintaining,  
20 repairing, and replacing agricultural equipment; maintaining,  
21 repairing, and replacing agricultural facilities, provided that the  
22 replacement facility is no closer to the shoreline than the original  
23 facility; and maintaining agricultural lands under production or  
24 cultivation;

25 (b) "Agricultural products" includes but is not limited to  
26 horticultural, viticultural, floricultural, vegetable, fruit, berry,  
27 grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or  
28 forage for livestock; Christmas trees; hybrid cottonwood and similar  
29 hardwood trees grown as crops and harvested within twenty years of  
30 planting; and livestock including both the animals themselves and  
31 animal products including but not limited to meat, upland finfish,  
32 poultry and poultry products, and dairy products;

33 (c) "Agricultural equipment" and "agricultural facilities"  
34 includes, but is not limited to: (i) The following used in  
35 agricultural operations: Equipment; machinery; constructed shelters,  
36 buildings, and ponds; fences; upland finfish rearing facilities; water  
37 diversion, withdrawal, conveyance, and use equipment and facilities  
38 including but not limited to pumps, pipes, tapes, canals, ditches, and  
39 drains; (ii) corridors and facilities for transporting personnel,

1 livestock, and equipment to, from, and within agricultural lands; (iii)  
2 farm residences and associated equipment, lands, and facilities; and  
3 (iv) roadside stands and on-farm markets for marketing fruit or  
4 vegetables; and

5 (d) "Agricultural land" means those specific land areas on which  
6 agriculture activities are conducted.

7 (3) The department and local governments shall assure that local  
8 shoreline master programs use definitions consistent with the  
9 definitions in this section.

10 **Sec. 8.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to  
11 read as follows:

12 (1) The public participation requirements of this chapter shall  
13 include notice procedures that are reasonably calculated to provide  
14 notice to property owners and other affected and interested  
15 individuals, tribes, government agencies, businesses, school districts,  
16 and organizations of proposed amendments to comprehensive plans and  
17 development regulations. Examples of reasonable notice provisions  
18 include:

19 (a) Posting the property for site-specific proposals;

20 (b) Publishing notice in a newspaper of general circulation in the  
21 county, city, or general area where the proposal is located or that  
22 will be affected by the proposal;

23 (c) Notifying public or private groups with known interest in a  
24 certain proposal or in the type of proposal being considered;

25 (d) Placing notices in appropriate regional, neighborhood, ethnic,  
26 or trade journals; and

27 (e) Publishing notice in agency newsletters or sending notice to  
28 agency mailing lists, including general lists or lists for specific  
29 proposals or subject areas.

30 (2) The public participation process established by counties and  
31 cities to satisfy the requirements of this chapter shall include  
32 measures to satisfy the requirements of RCW 90.58.130 for the shoreline  
33 master program developed or amended according to chapter 90.58 RCW.

34 (3)(a) Except as otherwise provided in (b) of this subsection, if  
35 the legislative body for a county or city chooses to consider a change  
36 to an amendment to a comprehensive plan or development regulation, and  
37 the change is proposed after the opportunity for review and comment has  
38 passed under the county's or city's procedures, an opportunity for

1 review and comment on the proposed change shall be provided before the  
2 local legislative body votes on the proposed change.

3 (b) An additional opportunity for public review and comment is not  
4 required under (a) of this subsection if:

5 (i) An environmental impact statement has been prepared under  
6 chapter 43.21C RCW for the pending resolution or ordinance and the  
7 proposed change is within the range of alternatives considered in the  
8 environmental impact statement;

9 (ii) The proposed change is within the scope of the alternatives  
10 available for public comment;

11 (iii) The proposed change only corrects typographical errors,  
12 corrects cross-references, makes address or name changes, or clarifies  
13 language of a proposed ordinance or resolution without changing its  
14 effect;

15 (iv) The proposed change is to a resolution or ordinance making a  
16 capital budget decision as provided in RCW 36.70A.120; or

17 (v) The proposed change is to a resolution or ordinance enacting a  
18 moratorium or interim control adopted under RCW 36.70A.390.

19 ~~((+3+))~~ (4) This section is prospective in effect and does not  
20 apply to a comprehensive plan, development regulation, or amendment  
21 adopted before July 27, 1997.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70A RCW  
23 to read as follows:

24 (1) At least two years before the deadline specified for the county  
25 or city in RCW 36.70A.130, each county and city planning under RCW  
26 36.70A.040 shall establish by ordinance or resolution an integrated and  
27 consolidated planning process for the development and adoption of  
28 comprehensive plans and development regulations under this chapter and  
29 shoreline master programs under chapter 90.58 RCW. Counties and cities  
30 not planning under RCW 36.70A.040 may adopt an integrated and  
31 consolidated planning process consistent with this section for review,  
32 revision, development, amendment, or adoption of development  
33 regulations regarding critical areas and natural resource lands  
34 according to this chapter and master programs according to chapter  
35 90.58 RCW.

36 (2) The process shall include the following elements:

37 (a) Coordination of the planning process to satisfy the  
38 requirements of this chapter and chapter 90.58 RCW;

1 (b) Development of a public participation program to satisfy the  
2 requirements of this chapter and chapter 90.58 RCW;

3 (c) Review of scientific and other information to satisfy the  
4 requirements of this chapter and chapter 90.58 RCW;

5 (d) Opportunity for review and consideration of comment from  
6 agencies and other interested parties as required by this chapter and  
7 chapter 90.58 RCW;

8 (e) Consolidation of public hearing and comment processes to  
9 satisfy the requirements of this chapter and chapter 90.58 RCW;

10 (f) Timing of submittal of master program elements to the  
11 department of ecology to allow sufficient time for review and approval  
12 of master programs by the department of ecology and to coordinate with  
13 the schedule for review, revision, and adoption of comprehensive plans  
14 and development regulations specified in RCW 36.70A.130;

15 (g) Consolidation of amendment and adoption procedures and  
16 processes to satisfy the requirements of this chapter and chapter 90.58  
17 RCW; and

18 (h) Any other provisions not inconsistent with the requirements of  
19 this chapter, chapter 43.21C RCW, or chapter 90.58 RCW.

20 (3) The integration and coordination of planning processes under  
21 this chapter and chapter 90.58 RCW does not alter the department's  
22 authority to review comprehensive plans and development regulations  
23 adopted under this chapter and does not create any authority for the  
24 department of ecology to review or approve comprehensive plans and  
25 development regulations adopted according to this chapter.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A  
27 RCW to read as follows:

28 The department shall provide technical assistance and conduct  
29 training to assist counties and cities in implementing the requirements  
30 of sections 9 and 12 of this act.

31 **Sec. 11.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to  
32 read as follows:

33 (1) Each county and city (~~(that is required or chooses to plan)~~)  
34 planning under RCW 36.70A.040 shall establish and broadly disseminate  
35 to the public a public participation program identifying procedures  
36 providing for early and continuous public participation in the review,  
37 revision, development (~~(and)~~), amendment, or adoption of comprehensive

1 land use plans and development regulations implementing such plans  
2 under this chapter and master programs under chapter 90.58 RCW.

3 (2) The procedures shall provide for broad dissemination of  
4 proposals and alternatives, opportunity for written comments, public  
5 meetings after effective notice, provision for open discussion,  
6 communication programs, information services, and consideration of and  
7 response to public comments.

8 (3) In enacting legislation in response to the board's decision  
9 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive  
10 plan or development regulation invalid, the county or city shall  
11 provide for public participation that is appropriate and effective  
12 under the circumstances presented by the board's order.

13 (4) Errors in exact compliance with the established program and  
14 procedures established according to this section shall not render the  
15 comprehensive land use plan or development regulations invalid if the  
16 spirit of the program and procedures is observed.

17 (5) In addition to meeting the other requirements of this section,  
18 the public participation program of counties and cities planning under  
19 RCW 36.70A.040 that is established as required by this section shall  
20 satisfy the local government public participation requirements of RCW  
21 90.58.100 and 90.58.130.

22 NEW SECTION. Sec. 12. A new section is added to chapter 90.58 RCW  
23 to read as follows:

24 (1) At least two years before the deadline specified for the local  
25 government in RCW 36.70A.130, each local government planning under RCW  
26 36.70A.040 shall establish by ordinance or resolution an integrated and  
27 consolidated planning process for the review, revision, development,  
28 amendment, or adoption of comprehensive plans and development  
29 regulations under chapter 36.70A RCW and shoreline master programs  
30 under this chapter. Local governments not planning under RCW  
31 36.70A.040 may adopt an integrated and consolidated planning process  
32 consistent with this section for review, revision, development,  
33 amendment, or adoption of development regulations regarding critical  
34 areas and natural resource lands according to chapter 36.70A RCW and  
35 master programs according to this chapter.

36 (2) The planning process shall include the following elements:

37 (a) Coordination of the planning process to satisfy the  
38 requirements of chapter 36.70A RCW and this chapter;

1 (b) Development of a public participation program to satisfy the  
2 requirements of chapter 36.70A RCW and this chapter;

3 (c) Review of scientific and other information to satisfy the  
4 requirements of chapter 36.70A RCW and this chapter;

5 (d) Opportunity for review and consideration of comment from  
6 agencies and other interested parties as required by chapter 36.70A RCW  
7 and this chapter;

8 (e) Consolidation of public hearing and comment processes to  
9 satisfy the requirements of chapter 36.70A RCW and this chapter;

10 (f) Timing of submittal of master program elements to the  
11 department to allow sufficient time for review and approval by the  
12 department and to coordinate master program review and approval with  
13 the schedule for review, revision, and adoption of comprehensive plans  
14 and development regulations specified in RCW 36.70A.130;

15 (g) Consolidation of amendment and adoption procedures and  
16 processes to satisfy the requirements of chapter 36.70A RCW and this  
17 chapter; and

18 (h) Any other provisions not inconsistent with the requirements of  
19 chapter 36.70A RCW, chapter 43.21C RCW, or this chapter.

20 (3) The integration and coordination of planning processes under  
21 this chapter and chapter 36.70A RCW does not alter the department's  
22 authority to review and approve master programs developed or amended  
23 under this chapter and does not create any authority for the department  
24 to review or approve comprehensive plans and development regulations  
25 adopted according to chapter 36.70A RCW.

26 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.70A  
27 RCW to read as follows:

28 If a county's or city's critical areas regulations are the subject  
29 of an appeal to the board, the department of ecology's determination  
30 regarding the county's or city's shoreline master program compliance  
31 with chapter 90.58 RCW does not modify the presumption of validity  
32 established by RCW 36.70A.320(1) or the burden of persuasion  
33 established by RCW 36.70A.320(2) with respect to the question of  
34 whether the critical areas regulations under appeal comply with the  
35 requirements of this chapter for those areas not subject to the  
36 shoreline management act.

1       **Sec. 14.** RCW 90.58.250 and 1971 ex.s. c 286 s 25 are each amended  
2 to read as follows:

3       The department is directed to cooperate fully with local  
4 governments in discharging their responsibilities under this chapter.  
5 Funds shall be available for distribution to local governments on the  
6 basis of applications for preparation of master programs. Such  
7 applications shall be submitted in accordance with regulations  
8 developed by the department. The department is authorized to make and  
9 administer grants within appropriations authorized by the legislature  
10 to any local government within the state for the purpose of developing  
11 a master ((~~shorelines~~)) program.

12       (~~No grant shall be made in an amount in excess of the recipient's~~  
13 ~~contribution to the estimated cost of such program.~~)

14       **Sec. 15.** RCW 36.70A.290 and 1997 c 429 s 12 are each amended to  
15 read as follows:

16       (1) All requests for review to a growth management hearings board  
17 shall be initiated by filing a petition that includes a detailed  
18 statement of issues presented for resolution by the board. The board  
19 shall render written decisions articulating the basis for its holdings.  
20 The board shall not issue advisory opinions on issues not presented to  
21 the board in the statement of issues, as modified by any prehearing  
22 order.

23       (2) All petitions relating to whether or not an adopted  
24 comprehensive plan, development regulation, or permanent amendment  
25 thereto, is in compliance with the goals and requirements of this  
26 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days  
27 after publication by the legislative bodies of the county or city.

28       (a) Except as provided in (c) of this subsection, the date of  
29 publication for a city shall be the date the city publishes the  
30 ordinance, or summary of the ordinance, adopting the comprehensive plan  
31 or development regulations, or amendment thereto, as is required to be  
32 published.

33       (b) Promptly after adoption, a county shall publish a notice that  
34 it has adopted the comprehensive plan or development regulations, or  
35 amendment thereto.

36       Except as provided in (c) of this subsection, for purposes of this  
37 section the date of publication for a county shall be the date the

1 county publishes the notice that it has adopted the comprehensive plan  
2 or development regulations, or amendment thereto.

3 (c) For local governments planning under RCW 36.70A.040, promptly  
4 after approval or disapproval of a local government s shoreline master  
5 program or amendment thereto by the department of ecology as provided  
6 in RCW 90.58.090, the local government shall publish a notice that the  
7 shoreline master program or amendment thereto has been approved or  
8 disapproved by the department of ecology. For purposes of this  
9 section, the date of publication for the adoption or amendment of a  
10 shoreline master program is the date the local government publishes  
11 notice that the shoreline master program or amendment thereto has been  
12 approved or disapproved by the department of ecology.

13 (3)(a) Unless the board dismisses the petition as frivolous or  
14 finds that the person filing the petition lacks standing, or the  
15 parties have filed an agreement to have the case heard in superior  
16 court as provided in RCW 36.70A.295, the board shall, within ten days  
17 of receipt of the petition, set a time for hearing the matter.

18 (b) If a county or city planning under RCW 36.70A.040 develops or  
19 amends a shoreline master program according to chapter 90.58 RCW  
20 concurrent with the adoption or amendment of a comprehensive plan or  
21 development regulations according to this chapter, the county or city  
22 shall notify the board of the concurrent adoption no later than ten  
23 days after receipt of notice of the hearing date being set by the  
24 board.

25 (c) If the board receives a notice of concurrent adoption from a  
26 county or city planning under RCW 36.70A.040, and unless the parties  
27 otherwise agree in writing, the board shall stay proceedings regarding  
28 the petition until the end of the appeal period for the shoreline  
29 master program or master program amendment under chapter 90.58 RCW.  
30 The board shall set a time for hearing of the matter within ten days of  
31 the end of the stay period. The board shall not stay the proceedings  
32 if all parties agree in writing within twenty days after the county's  
33 or city's notice of concurrent adoption to a hearing on the petition  
34 separately from any appeal of the shoreline master program or master  
35 program amendment.

36 (4) The board shall base its decision on the record developed by  
37 the city, county, or the state and supplemented with additional  
38 evidence if the board determines that such additional evidence would be

1 necessary or of substantial assistance to the board in reaching its  
2 decision.

3 (5) The board, shall consolidate, when appropriate, all petitions  
4 involving the review of the same comprehensive plan or the same  
5 development regulation or regulations.

6 **Sec. 16.** RCW 36.70A.300 and 1997 c 429 s 14 are each amended to  
7 read as follows:

8 (1) The board shall issue a final order that shall be based  
9 exclusively on whether or not a state agency, county, or city is in  
10 compliance with the requirements of this chapter, chapter 90.58 RCW as  
11 it relates to adoption or amendment of shoreline master programs, or  
12 chapter 43.21C RCW as it relates to adoption of plans, development  
13 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
14 90.58 RCW.

15 (2)(a) Except as provided in (b) of this subsection, the final  
16 order shall be issued within one hundred eighty days of receipt of the  
17 petition for review, or, if multiple petitions are filed, within one  
18 hundred eighty days of receipt of the last petition that is  
19 consolidated.

20 (b) The board may extend the period of time for issuing a decision  
21 to enable the parties to settle the dispute if additional time is  
22 necessary to achieve a settlement, and (i) an extension is requested by  
23 all parties, or (ii) an extension is requested by the petitioner and  
24 respondent and the board determines that a negotiated settlement  
25 between the remaining parties could resolve significant issues in  
26 dispute. The request must be filed with the board not later than seven  
27 days before the date scheduled for the hearing on the merits of the  
28 petition. The board may authorize one or more extensions for up to  
29 ninety days each, subject to the requirements of this section.

30 (c) If a board stays proceedings regarding a petition pursuant to  
31 RCW 36.70A.290(3)(c), the board shall issue a final order within one  
32 hundred eighty days of the end of the stay period. The board shall  
33 consolidate all petitions for review of the concurrently adopted  
34 shoreline master program or amendment with the plan or development  
35 regulations appealed under this chapter.

36 (3) In the final order, the board shall either:

37 (a) Find that the state agency, county, or city is in compliance  
38 with the requirements of this chapter, chapter 90.58 RCW as it relates

1 to the adoption or amendment of shoreline master programs, or chapter  
2 43.21C RCW as it relates to adoption of plans, development regulations,  
3 and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

4 (b) Find that the state agency, county, or city is not in  
5 compliance with the requirements of this chapter, chapter 90.58 RCW as  
6 it relates to the adoption or amendment of shoreline master programs,  
7 or chapter 43.21C RCW as it relates to adoption of plans, development  
8 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
9 90.58 RCW, in which case the board shall remand the matter to the  
10 affected state agency, county, or city. The board shall specify a  
11 reasonable time not in excess of one hundred eighty days, or such  
12 longer period as determined by the board in cases of unusual scope or  
13 complexity, within which the state agency, county, or city shall comply  
14 with the requirements of this chapter. The board may require periodic  
15 reports to the board on the progress the jurisdiction is making towards  
16 compliance.

17 (4) Unless the board makes a determination of invalidity as  
18 provided in RCW 36.70A.302, a finding of noncompliance and an order of  
19 remand shall not affect the validity of comprehensive plans and  
20 development regulations during the period of remand.

21 (5) Any party aggrieved by a final decision of the hearings board  
22 may appeal the decision to superior court as provided in RCW 34.05.514  
23 or 36.01.050 within thirty days of the final order of the board.

24 NEW SECTION. Sec. 17. A new section is added to chapter 35.63 RCW  
25 to read as follows:

26 To encourage efficient and effective planning and implementation,  
27 cities not planning under RCW 36.70A.040 may adopt shoreline master  
28 programs or master program amendments under chapter 90.58 RCW  
29 concurrently with policies and regulations adopted under chapter 36.70A  
30 RCW or plans and regulations adopted under this chapter.

31 NEW SECTION. Sec. 18. A new section is added to chapter 35A.63  
32 RCW to read as follows:

33 To encourage efficient and effective planning and implementation,  
34 cities not planning under RCW 36.70A.040 may adopt shoreline master  
35 programs or master program amendments under chapter 90.58 RCW  
36 concurrently with policies and regulations adopted under chapter 36.70A  
37 RCW or plans and regulations adopted under this chapter.

1        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 36.70 RCW  
2 to read as follows:

3        To encourage efficient and effective planning and implementation,  
4 counties not planning under RCW 36.70A.040 may adopt shoreline master  
5 programs or master program amendments under chapter 90.58 RCW  
6 concurrently with policies and regulations adopted under chapter 36.70A  
7 RCW or plans and regulations adopted under this chapter.

8        NEW SECTION.    **Sec. 20.**    A new section is added to chapter 36.70A  
9 RCW to read as follows:

10        To encourage efficient and effective planning and implementation,  
11 counties and cities may adopt shoreline master programs or master  
12 program amendments under chapter 90.58 RCW concurrently with  
13 comprehensive plans and development regulations adopted under this  
14 chapter.

15        NEW SECTION.    **Sec. 21.**    A new section is added to chapter 90.58 RCW  
16 to read as follows:

17        To encourage efficient and effective planning and implementation,  
18 local governments may adopt shoreline master programs or master program  
19 amendments under this chapter concurrently with comprehensive plans,  
20 policies, and regulations adopted under chapter 35.63, 35A.63, 36.70,  
21 or 36.70A RCW.

22        **Sec. 22.**    RCW 36.70A.215 and 1997 c 429 s 25 are each amended to  
23 read as follows:

24        (1) Subject to the limitations in subsection (7) of this section,  
25 a county shall adopt, in consultation with its cities, countywide  
26 planning policies to establish a review and evaluation program. This  
27 program shall be in addition to the requirements of RCW 36.70A.110,  
28 36.70A.130, and 36.70A.210. In developing and implementing the review  
29 and evaluation program required by this section, the county and its  
30 cities shall consider information from other appropriate jurisdictions  
31 and sources. The purpose of the review and evaluation program shall be  
32 to:

33        (a) Determine whether a county and its cities are achieving urban  
34 densities within urban growth areas by comparing growth and development  
35 assumptions, targets, and objectives contained in the countywide  
36 planning policies and the county and city comprehensive plans with

1 actual growth and development that has occurred in the county and its  
2 cities; ((and))

3 (b) Determine whether sufficient land suitable for development is  
4 included within designated urban growth areas at densities sufficient  
5 to accommodate the growth management population projections established  
6 pursuant to RCW 36.70A.110(2); and

7 (c) Identify reasonable measures, other than adjusting urban growth  
8 areas, that will be taken to comply with the requirements of this  
9 chapter.

10 (2) The review and evaluation program shall:

11 (a) Encompass land uses and activities both within and outside of  
12 urban growth areas and provide for annual collection of data on urban  
13 and rural land uses, development, critical areas, and capital  
14 facilities to the extent necessary to determine the quantity and type  
15 of land suitable for development, both for residential and employment-  
16 based activities;

17 (b) Provide for evaluation of the data collected under (a) of this  
18 subsection every five years as provided in subsection (3) of this  
19 section. The first evaluation shall be completed not later than  
20 September 1, 2002. The county and its cities may establish in the  
21 countywide planning policies indicators, benchmarks, and other similar  
22 criteria to use in conducting the evaluation;

23 (c) Provide for methods to resolve disputes among jurisdictions  
24 relating to the countywide planning policies required by this section  
25 and procedures to resolve inconsistencies in collection and analysis of  
26 data; and

27 (d) Provide for the amendment of the countywide policies and county  
28 and city comprehensive plans as needed to remedy an inconsistency  
29 identified through the evaluation required by this section, or to bring  
30 these policies into compliance with the requirements of this chapter.

31 (3) At a minimum, the evaluation component of the program required  
32 by subsection (1) of this section shall:

33 (a) Determine whether there is sufficient suitable land to  
34 accommodate the countywide population projection established for the  
35 county pursuant to RCW 43.62.035 and the subsequent population  
36 allocations within the county and between the county and its cities and  
37 the requirements of RCW 36.70A.110;

38 (b) Determine the actual density of housing that has been  
39 constructed and the actual amount of land developed for commercial and

1 industrial uses within the urban growth area since the adoption of a  
2 comprehensive plan under this chapter or since the last periodic  
3 evaluation as required by subsection (1) of this section; (~~and~~)

4 (c) Based on the actual density of development as determined under  
5 (b) of this subsection, review commercial, industrial, and housing  
6 needs by type and density range to determine the amount of land needed  
7 for commercial, industrial, and housing for the remaining portion of  
8 the twenty-year planning period used in the most recently adopted  
9 comprehensive plan;

10 (d) Determine the acreage and qualitative change in the quantity or  
11 density of land suitable for development within the designated urban  
12 growth area that has occurred as a result of designating land within  
13 the urban growth area as critical areas after January 1, 2001, or based  
14 on any other amendment to a comprehensive plan or development  
15 regulation adopted after January 1, 2001, that after taking into  
16 account new land made available for development or increases in  
17 authorized densities, effectively changes any land development  
18 potential within the designated urban growth area;

19 (e) Based on the change determined under (d) of this subsection:

20 (i) Include in the land capacity docket any amount determined as a  
21 deficiency or an excess in land suitable for development within the  
22 urban growth area; and

23 (ii) Within the time periods specified in RCW 36.70A.130, review  
24 the docketed amount and consider changes to the countywide planning  
25 policies, comprehensive plan or development regulations, including  
26 density determinations, urban growth area designations, or other  
27 changes, to address the quantity of sufficient land suitable for  
28 development within designated urban growth areas at densities  
29 sufficient to accommodate the growth management population projections  
30 established pursuant to RCW 36.70A.110(2); and

31 (f) Based upon the needed development capacity, as determined  
32 pursuant to this subsection (3), the jurisdiction shall make every  
33 effort to:

34 (i) First, if feasible, include a transfer of development densities  
35 or uses to remaining portions of a lot or parcel;

36 (ii) Second, if feasible, include a transfer of development  
37 densities or uses to appropriate adjoining properties; and

38 (iii) Finally, include a transfer of development densities or uses  
39 to other appropriate lands within the jurisdiction.

1 (4) If the evaluation required by subsection (3) of this section  
2 demonstrates an inconsistency between what has occurred since the  
3 adoption of the countywide planning policies and the county and city  
4 comprehensive plans and development regulations and what was envisioned  
5 in those policies and plans and the planning goals and the requirements  
6 of this chapter, as the inconsistency relates to the evaluation factors  
7 specified in subsection (3) of this section, the county and its cities  
8 shall adopt and implement measures that are reasonably likely to  
9 increase consistency during the subsequent five-year period. If  
10 necessary, a county, in consultation with its cities as required by RCW  
11 36.70A.210, shall adopt amendments to countywide planning policies to  
12 increase consistency. The county and its cities shall annually monitor  
13 the measures adopted under this subsection to determine their effect  
14 and may revise or rescind them as appropriate.

15 (5)(a) Not later than July 1, 1998, the department shall prepare a  
16 list of methods used by counties and cities in carrying out the types  
17 of activities required by this section. The department shall provide  
18 this information and appropriate technical assistance to counties and  
19 cities required to or choosing to comply with the provisions of this  
20 section.

21 (b) By December 31, 2007, the department shall submit to the  
22 appropriate committees of the legislature a report analyzing the  
23 effectiveness of the activities described in this section in achieving  
24 the goals envisioned by the countywide planning policies and the  
25 comprehensive plans and development regulations of the counties and  
26 cities.

27 (6) From funds appropriated by the legislature for this purpose,  
28 the department shall provide grants to counties, cities, and regional  
29 planning organizations required under subsection (7) of this section to  
30 conduct the review and perform the evaluation required by this section.

31 (7) The provisions of this section shall apply to counties, and the  
32 cities within those counties, that were greater than one hundred fifty  
33 thousand in population in 1995 as determined by office of financial  
34 management population estimates and that are located west of the crest  
35 of the Cascade mountain range. Any other county planning under RCW  
36 36.70A.040 may carry out the review, evaluation, and amendment programs  
37 and procedures as provided in this section.

38 (8) For the purposes of this section, "land capacity docket" means  
39 to compile and maintain a detailed list of land and land use changes

1 resulting from the actions specified in subsection (3)(d) of this  
2 section in a manner that will ensure that such changes will be  
3 presented for the required periodic action specified in subsection  
4 (3)(e)(ii) of this section and will be available for review by the  
5 public.

6 NEW SECTION. Sec. 23. In revising provisions of chapter 90.58 RCW  
7 and including new provisions in chapter 90.58 RCW, the legislature does  
8 not intend to imply legislative approval or disapproval of any  
9 administrative actions taken or guidelines adopted by the department of  
10 ecology under chapter 90.58 RCW.

11 NEW SECTION. Sec. 24. Section 5 of this act expires August 1,  
12 2006.

13 NEW SECTION. Sec. 25. If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. Sec. 26. (1)(a) The sum of three million five  
18 hundred thousand dollars for fiscal year 2002 is appropriated from the  
19 general fund to the department of ecology to implement this act. Of  
20 the amount in this subsection, three million two hundred thousand  
21 dollars is provided solely for grants to local governments to update  
22 shoreline master programs according to section 4 of this act, and three  
23 hundred thousand dollars is provided solely for technical assistance  
24 and the shoreline oversight committee contractor in section 5 of this  
25 act.

26 (b) The sum of three million five hundred thousand dollars for  
27 fiscal year 2003 is appropriated from the general fund to the  
28 department of ecology to implement this act. Of the amount in this  
29 subsection, three million two hundred thousand dollars is provided  
30 solely for grants to local governments to update shoreline master  
31 programs according to section 4 of this act, and three hundred thousand  
32 dollars is provided solely for technical assistance and the shoreline  
33 oversight committee contractor in section 5 of this act.

34 (2)(a) The sum of one million five hundred thousand dollars for  
35 fiscal year 2002 is appropriated from the general fund to the

1 department of community, trade, and economic development to implement  
2 this act. The entire appropriation in this subsection is provided  
3 solely for grants to local governments to implement section 2 of this  
4 act.

5 (b) The sum of one million five hundred thousand dollars for fiscal  
6 year 2003 is appropriated from the general fund to the department of  
7 community, trade, and economic development to implement this act. The  
8 entire appropriation in this subsection is provided solely for grants  
9 to local governments to implement section 2 of this act.

10 NEW SECTION. **Sec. 27.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and takes effect  
13 immediately."

14 **ESSB 5378** - S AMD 452  
15 By Senator Snyder

16

17 On page 1, line 1 of the title, after "Relating to" strike the  
18 remainder of the title and insert "shoreline master programs and growth  
19 management comprehensive plans and development regulations; amending  
20 RCW 36.70A.130, 90.58.060, 90.58.080, 90.58.090, 36.70A.035,  
21 36.70A.140, 90.58.250, 36.70A.290, 36.70A.300, and 36.70A.215; adding  
22 new sections to chapter 90.58 RCW; adding new sections to chapter  
23 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new  
24 section to chapter 35A.63 RCW; adding a new section to chapter 36.70  
25 RCW; creating new sections; making appropriations; providing an  
26 expiration date; and declaring an emergency."

EFFECT: The striking amendment:

Intent. Specifies intent to coordinate the planning process of the  
Growth Management Act (GMA) and Shoreline Management Act (SMA).

GMA Timelines. Replaces the September 1, 2002, deadline for review  
and evaluation of GMA comprehensive plans and development regulations  
with a phased 2003-2007 schedule and extends the five-year review  
requirement to a 10-year review for nonbuildable lands jurisdictions.  
Includes provisions for buildable lands jurisdictions completing  
required review and evaluation after January 1, 2001. Specifies  
jurisdictions are not precluded from early reviews and may be eligible  
for available funding.

SMA Timelines. Changes the Department of Ecology's mandatory five-year review of the shoreline master program guidelines to a 10-year review. Replaces the 24-month deadline for development or amendment of master programs after guidelines adoption to a phased 2003-2007 schedule, with provisions for future reviews on a five-year (buildable lands) or ten-year (other jurisdictions) schedule. Requires local governments to report the actual costs of satisfying the master program development or amendment requirement to the shorelines oversight committee. Specifies jurisdictions are not precluded from early reviews and may be eligible for available funding.

Shorelines Oversight Committee. (1) Establishes a 12-member shorelines oversight committee to perform a shoreline master program guidelines implementation assessment regarding specified issues for buildable lands jurisdictions. Requires the committee to hire a contractor(s) to perform the assessment and specifies the contractor(s) is to work with a technical advisory committee in developing and completing the assessment. Requires annual reports between 2001 and 2005. Specifies provisions regarding governance, operations, and staffing of the committee. (2) Includes provisions for the Department of Ecology (DOE) to consider the committee's recommendations and to submit to the Legislature any proposed statutory or guidelines changes proposed between 2001 and 2005. (3) Requires the Legislature to consider whether to sunset or amend the guidelines after the final report.

Master Program Review. Requires the DOE to recognize that local governments must incorporate balancing of SMA policies in preparing master programs. Specifies the required balancing of interests may include alterations of the natural conditions of the shorelines as allowed by SMA policy.

Effect of Legislative Action. Specifies the Legislature's amendment of master program requirements does not intend to imply legislative approval or disapproval of any DOE administrative actions taken or DOE guidelines adopted under the SMA.

Agricultural Compliance. Specifies neither the guidelines nor local master programs may require modification or limitation of agricultural activities on agricultural lands. Requires master programs in jurisdictions in which agricultural activities occur to include provisions addressing: (1) New agricultural activities on nonagricultural land; (2) conversion of agricultural lands to other uses; and (3) development not meeting the definition of agricultural activities. Defines "agricultural activities," "agricultural products," "agricultural equipment," "agricultural facilities," and "agricultural land" for purposes of these provisions.

Coordination of GMA and SMA Planning Processes. Specifies the GMA public participation process must include measures to satisfy SMA public participation requirements for master program development or amendment. Requires all GMA jurisdictions, within two years of the deadline for GMA plan review and evaluation, to develop an integrated and consolidated planning process for review, revision, development, or amendment of GMA plans and regulations and SMA master programs. Specifies the mandatory elements of the integrated and consolidated process and allows for other elements consistent with GMA and SMA requirements. Specifies the integrated planning process does not alter the Department of Community, Trade, and Economic Development's (DCTED's) authority for GMA plan and regulation review and does not create any authority for DOE approval of GMA plans and regulations. Requires the DCTED to provide training and technical assistance to local governments to meet this requirement. States the DOE's decision regarding a master program does not change the presumption of validity

or burden of persuasion in a GMA appeal related to a critical areas ordinance.

Master Program Funding. Eliminates the equal matching fund requirement for local governments receiving grants for shoreline master program development or amendment.

GMA and SMA Appeals. Requires the growth management hearings boards to stay appeals of GMA plans and regulations adopted concurrently with SMA master programs or amendments until the end of the SMA appeal period if the county or city provides notice of concurrent adoption and unless all parties agree in writing to separate appeals. Provides a time period for issuance of a final decision by a growth management hearings board in a case involving a stay of proceedings based on concurrent adoption of GMA/SMA plans and programs (180 days after the stay ends). Adds provisions to local planning chapters authorizing concurrent adoption of SMA master programs and GMA or other land use plans and regulations.

Land Supply Analysis. Requires buildable lands jurisdictions, before amendments to designate or redesignate lands as critical areas, to determine the acreage no longer suitable for development and the changes in land from such amendments. Specifies GMA jurisdictions must docket the changes in land and make changes to plans or regulations to address the changes. Specifies the buildable lands jurisdictions must make every effort to include a transfer of development densities or uses, if feasible, to the (in order of preference): (1) Remaining portions of a lot or parcel; (2) appropriate adjoining properties; and (3) other appropriate lands within the jurisdiction. Includes definition of "land capacity docket" for the purposes of this requirement.

Effective Date. Includes an emergency clause (immediate effective date).

Expiration. Expires the shorelines oversight committee on August 1, 2006.

Appropriations. Includes appropriations for funding GMA and SMA plan revisions.

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