
HOUSE BILL 1964

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2001 Regular Session

By Representatives Linville, Mulliken, Doumit, Mielke, Dunshee, Keiser and Kessler

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1 AN ACT Relating to integrating the planning processes of the growth
2 management act and the shoreline management act; amending RCW
3 36.70A.020, 36.70A.030, 36.70A.035, 36.70A.045, 36.70A.070, 36.70A.110,
4 36.70A.130, 36.70A.140, 36.70A.210, 36.70A.215, 36.70A.480, 36.70A.320,
5 90.58.030, 90.58.060, 90.58.070, 90.58.080, 90.58.090, 90.58.100,
6 90.58.110, 90.58.130, and 90.58.250; adding a new section to chapter
7 36.70A RCW; adding a new section to chapter 90.58 RCW; creating a new
8 section; providing an effective date; and declaring an emergency.

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

10 **PART I--GROWTH MANAGEMENT ACT**

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

13 The following goals are adopted to guide the development and
14 adoption of comprehensive plans and development regulations of those
15 counties and cities that are required or choose to plan under RCW
16 36.70A.040. The following goals are not listed in order of priority
17 and shall be used exclusively for the purpose of guiding the
18 development of comprehensive plans and development regulations:

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

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

6 (3) Transportation. Encourage efficient multimodal transportation
7 systems that are based on regional priorities and coordinated with
8 county and city comprehensive plans.

9 (4) Housing. Encourage the availability of affordable housing to
10 all economic segments of the population of this state, promote a
11 variety of residential densities and housing types, and encourage
12 preservation of existing housing stock.

13 (5) Economic development. Encourage economic development
14 throughout the state that is consistent with adopted comprehensive
15 plans, promote economic opportunity for all citizens of this state,
16 especially for unemployed and for disadvantaged persons, and encourage
17 growth in areas experiencing insufficient economic growth, all within
18 the capacities of the state's natural resources, public services, and
19 public facilities.

20 (6) Property rights. Private property shall not be taken for
21 public use without just compensation having been made. The property
22 rights of landowners shall be protected from arbitrary and
23 discriminatory actions.

24 (7) Permits. Applications for both state and local government
25 permits should be processed in a timely and fair manner to ensure
26 predictability.

27 (8) Natural resource industries. Maintain and enhance natural
28 resource-based industries, including productive timber, agricultural,
29 and fisheries industries. Encourage the conservation of productive
30 forest lands and productive agricultural lands, and discourage
31 incompatible uses.

32 (9) Open space and recreation. Encourage the retention of open
33 space and development of recreational opportunities, conserve fish and
34 wildlife habitat, increase access to natural resource lands and water,
35 and develop parks.

36 (10) Environment. Protect the environment and enhance the state's
37 high quality of life, including air and water quality, and the
38 availability of water.

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

4 (12) Public facilities and services. Ensure that those public
5 facilities and services necessary to support development shall be
6 adequate to serve the development at the time the development is
7 available for occupancy and use without decreasing current service
8 levels below locally established minimum standards.

9 (13) Historic preservation. Identify and encourage the
10 preservation of lands, sites, and structures, that have historical or
11 archaeological significance.

12 (14) Shoreline use. Manage shorelines of the state to foster all
13 reasonable and appropriate uses while promoting and enhancing the
14 public interest according to the policy of RCW 90.58.020.

15 **Sec. 2.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Adopt a comprehensive land use plan" means to enact a new
20 comprehensive land use plan or to update an existing comprehensive land
21 use plan.

22 (2) "Agricultural land" means land primarily devoted to the
23 commercial production of horticultural, viticultural, floricultural,
24 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
25 straw, turf, seed, Christmas trees not subject to the excise tax
26 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
27 hatcheries, or livestock, and that has long-term commercial
28 significance for agricultural production.

29 (3) "City" means any city or town, including a code city.

30 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
31 means a generalized coordinated land use policy statement of the
32 governing body of a county or city that is adopted pursuant to this
33 chapter.

34 (5) "Critical areas" include the following areas and ecosystems:
35 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
36 used for potable water; (c) fish and wildlife habitat conservation
37 areas; (d) frequently flooded areas; and (e) geologically hazardous
38 areas.

1 (6) "Department" means the department of community, trade, and
2 economic development.

3 (7) "Development regulations" or "regulation" means the controls
4 placed on development or land use activities by a county or city,
5 including, but not limited to, zoning ordinances, critical areas
6 ordinances, shoreline master programs, official controls, planned unit
7 development ordinances, subdivision ordinances, and binding site plan
8 ordinances together with any amendments thereto. "Development
9 regulations" or "regulation" specifically includes the use regulations
10 included in a master program adopted pursuant to chapter 90.58 RCW. A
11 development regulation does not include a decision to approve a project
12 permit application, as defined in RCW 36.70B.020, even though the
13 decision may be expressed in a resolution or ordinance of the
14 legislative body of the county or city.

15 (8) "Forest land" means land primarily devoted to growing trees for
16 long-term commercial timber production on land that can be economically
17 and practically managed for such production, including Christmas trees
18 subject to the excise tax imposed under RCW 84.33.100 through
19 84.33.140, and that has long-term commercial significance. In
20 determining whether forest land is primarily devoted to growing trees
21 for long-term commercial timber production on land that can be
22 economically and practically managed for such production, the following
23 factors shall be considered: (a) The proximity of the land to urban,
24 suburban, and rural settlements; (b) surrounding parcel size and the
25 compatibility and intensity of adjacent and nearby land uses; (c) long-
26 term local economic conditions that affect the ability to manage for
27 timber production; and (d) the availability of public facilities and
28 services conducive to conversion of forest land to other uses.

29 (9) "Geologically hazardous areas" means areas that because of
30 their susceptibility to erosion, sliding, earthquake, or other
31 geological events, are not suited to the siting of commercial,
32 residential, or industrial development consistent with public health or
33 safety concerns.

34 (10) "Long-term commercial significance" includes the growing
35 capacity, productivity, and soil composition of the land for long-term
36 commercial production, in consideration with the land's proximity to
37 population areas, and the possibility of more intense uses of the land.

38 (11) "Master program" has the same meaning as in RCW 90.58.030.

1 (12) "Minerals" include gravel, sand, and valuable metallic
2 substances.

3 (~~(12)~~) (13) "Public facilities" include streets, roads, highways,
4 sidewalks, street and road lighting systems, traffic signals, domestic
5 water systems, storm and sanitary sewer systems, parks and recreational
6 facilities, and schools.

7 (~~(13)~~) (14) "Public services" include fire protection and
8 suppression, law enforcement, public health, education, recreation,
9 environmental protection, and other governmental services.

10 (~~(14)~~) (15) "Rural character" refers to the patterns of land use
11 and development established by a county in the rural element of its
12 comprehensive plan:

13 (a) In which open space, the natural landscape, and vegetation
14 predominate over the built environment;

15 (b) That foster traditional rural lifestyles, rural-based
16 economies, and opportunities to both live and work in rural areas;

17 (c) That provide visual landscapes that are traditionally found in
18 rural areas and communities;

19 (d) That are compatible with the use of the land by wildlife and
20 for fish and wildlife habitat;

21 (e) That reduce the inappropriate conversion of undeveloped land
22 into sprawling, low-density development;

23 (f) That generally do not require the extension of urban
24 governmental services; and

25 (g) That are consistent with the protection of natural surface
26 water flows and ground water and surface water recharge and discharge
27 areas.

28 (~~(15)~~) (16) "Rural development" refers to development outside the
29 urban growth area and outside agricultural, forest, and mineral
30 resource lands designated pursuant to RCW 36.70A.170. Rural
31 development can consist of a variety of uses and residential densities,
32 including clustered residential development, at levels that are
33 consistent with the preservation of rural character and the
34 requirements of the rural element. Rural development does not refer to
35 agriculture or forestry activities that may be conducted in rural
36 areas.

37 (~~(16)~~) (17) "Rural governmental services" or "rural services"
38 include those public services and public facilities historically and
39 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection
2 services, transportation and public transit services, and other public
3 utilities associated with rural development and normally not associated
4 with urban areas. Rural services do not include storm or sanitary
5 sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 ~~((17))~~ (18) "Shorelines of the state," "shorelines," and
7 "shorelines of statewide significance" have the same meaning as in RCW
8 90.58.030.

9 (19) "Urban growth" refers to growth that makes intensive use of
10 land for the location of buildings, structures, and impermeable
11 surfaces to such a degree as to be incompatible with the primary use of
12 land for the production of food, other agricultural products, or fiber,
13 or the extraction of mineral resources, rural uses, rural development,
14 and natural resource lands designated pursuant to RCW 36.70A.170. A
15 pattern of more intensive rural development, as provided in RCW
16 36.70A.070(5)(d), is not urban growth. When allowed to spread over
17 wide areas, urban growth typically requires urban governmental
18 services. "Characterized by urban growth" refers to land having urban
19 growth located on it, or to land located in relationship to an area
20 with urban growth on it as to be appropriate for urban growth.

21 ~~((18))~~ (20) "Urban growth areas" means those areas designated by
22 a county pursuant to RCW 36.70A.110.

23 ~~((19))~~ (21) "Urban governmental services" or "urban services"
24 include those public services and public facilities at an intensity
25 historically and typically provided in cities, specifically including
26 storm and sanitary sewer systems, domestic water systems, street
27 cleaning services, fire and police protection services, public transit
28 services, and other public utilities associated with urban areas and
29 normally not associated with rural areas.

30 ~~((20))~~ (22) "Wetland" or "wetlands" ~~((means areas that are
31 inundated or saturated by surface water or ground water at a frequency
32 and duration sufficient to support, and that under normal circumstances
33 do support, a prevalence of vegetation typically adapted for life in
34 saturated soil conditions. Wetlands generally include swamps, marshes,
35 bogs, and similar areas. Wetlands do not include those artificial
36 wetlands intentionally created from nonwetland sites, including, but
37 not limited to, irrigation and drainage ditches, grass-lined swales,
38 canals, detention facilities, wastewater treatment facilities, farm
39 ponds, and landscape amenities, or those wetlands created after July 1,~~

1 1990, that were unintentionally created as a result of the construction
2 of a road, street, or highway. Wetlands may include those artificial
3 wetlands intentionally created from nonwetland areas created to
4 mitigate conversion of wetlands)) has the same meaning as "wetlands" in
5 RCW 90.58.030.

6 **Sec. 3.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
7 read as follows:

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

- 15 (a) Posting the property for site-specific proposals;
16 (b) Publishing notice in a newspaper of general circulation in the
17 county, city, or general area where the proposal is located or that
18 will be affected by the proposal;
19 (c) Notifying public or private groups with known interest in a
20 certain proposal or in the type of proposal being considered;
21 (d) Placing notices in appropriate regional, neighborhood, ethnic,
22 or trade journals; and
23 (e) Publishing notice in agency newsletters or sending notice to
24 agency mailing lists, including general lists or lists for specific
25 proposals or subject areas.

26 (2) The public participation process established by local
27 governments to satisfy the requirements of this chapter shall include
28 measures to satisfy the requirements of RCW 90.58.130 for the shoreline
29 master program developed as the shoreline element of the comprehensive
30 plan and as development regulations pursuant to this chapter and
31 chapter 90.58 RCW.

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

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

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

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

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

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

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

17 ((+3)) (4) This section is prospective in effect and does not
18 apply to a comprehensive plan, development regulation, or amendment
19 adopted before July 27, 1997.

20 **Sec. 4.** RCW 36.70A.045 and 1991 sp.s. c 32 s 15 are each amended
21 to read as follows:

22 The department may adopt a schedule to permit phasing of
23 comprehensive plan submittal for counties and cities planning under RCW
24 36.70A.040. This schedule shall not permit a comprehensive plan to be
25 submitted greater than one hundred eighty days past the date that the
26 plan was required to be submitted and shall be used to facilitate
27 expeditious review and interjurisdictional coordination of
28 comprehensive plans and development regulations. The schedule adopted
29 by the department shall be consistent with any extensions for submittal
30 of shoreline master programs authorized by the department of ecology
31 according to RCW 90.58.080.

32 **Sec. 5.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read
33 as follows:

34 The comprehensive plan of a county or city that is required or
35 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
36 and descriptive text covering objectives, principles, and standards
37 used to develop the comprehensive plan. The plan shall be an

1 internally consistent document, and all elements shall be consistent
2 with the future land use map. A comprehensive plan shall be adopted
3 and amended with public participation as provided in RCW 36.70A.140 and
4 90.58.030.

5 Each comprehensive plan shall include a plan, scheme, or design for
6 each of the following:

7 (1) A land use element designating the proposed general
8 distribution and general location and extent of the uses of land, where
9 appropriate, for agriculture, timber production, housing, commerce,
10 industry, recreation, open spaces, general aviation airports, public
11 utilities, public facilities, and other land uses. The land use
12 element shall include population densities, building intensities, and
13 estimates of future population growth. The land use element shall
14 provide for protection of the quality and quantity of ground water used
15 for public water supplies. Where applicable, the land use element
16 shall review drainage, flooding, and storm water run-off in the area
17 and nearby jurisdictions and provide guidance for corrective actions to
18 mitigate or cleanse those discharges that pollute waters of the state,
19 including Puget Sound or waters entering Puget Sound.

20 (2) A housing element ensuring the vitality and character of
21 established residential neighborhoods that: (a) Includes an inventory
22 and analysis of existing and projected housing needs; (b) includes a
23 statement of goals, policies, objectives, and mandatory provisions for
24 the preservation, improvement, and development of housing, including
25 single-family residences; (c) identifies sufficient land for housing,
26 including, but not limited to, government-assisted housing, housing for
27 low-income families, manufactured housing, multifamily housing, and
28 group homes and foster care facilities; and (d) makes adequate
29 provisions for existing and projected needs of all economic segments of
30 the community.

31 (3) A capital facilities plan element consisting of: (a) An
32 inventory of existing capital facilities owned by public entities,
33 showing the locations and capacities of the capital facilities; (b) a
34 forecast of the future needs for such capital facilities; (c) the
35 proposed locations and capacities of expanded or new capital
36 facilities; (d) at least a six-year plan that will finance such capital
37 facilities within projected funding capacities and clearly identifies
38 sources of public money for such purposes; and (e) a requirement to
39 reassess the land use element if probable funding falls short of

1 meeting existing needs and to ensure that the land use element, capital
2 facilities plan element, and financing plan within the capital
3 facilities plan element are coordinated and consistent.

4 (4) A utilities element consisting of the general location,
5 proposed location, and capacity of all existing and proposed utilities,
6 including, but not limited to, electrical lines, telecommunication
7 lines, and natural gas lines.

8 (5) Rural element. Counties shall include a rural element
9 including lands that are not designated for urban growth, agriculture,
10 forest, or mineral resources. The following provisions shall apply to
11 the rural element:

12 (a) Growth management act goals and local circumstances. Because
13 circumstances vary from county to county, in establishing patterns of
14 rural densities and uses, a county may consider local circumstances,
15 but shall develop a written record explaining how the rural element
16 harmonizes the planning goals in RCW 36.70A.020 and meets the
17 requirements of this chapter.

18 (b) Rural development. The rural element shall permit rural
19 development, forestry, and agriculture in rural areas. The rural
20 element shall provide for a variety of rural densities, uses, essential
21 public facilities, and rural governmental services needed to serve the
22 permitted densities and uses. In order to achieve a variety of rural
23 densities and uses, counties may provide for clustering, density
24 transfer, design guidelines, conservation easements, and other
25 innovative techniques that will accommodate appropriate rural densities
26 and uses that are not characterized by urban growth and that are
27 consistent with rural character.

28 (c) Measures governing rural development. The rural element shall
29 include measures that apply to rural development and protect the rural
30 character of the area, as established by the county, by:

31 (i) Containing or otherwise controlling rural development;

32 (ii) Assuring visual compatibility of rural development with the
33 surrounding rural area;

34 (iii) Reducing the inappropriate conversion of undeveloped land
35 into sprawling, low-density development in the rural area;

36 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
37 surface water and ground water resources; and

38 (v) Protecting against conflicts with the use of agricultural,
39 forest, and mineral resource lands designated under RCW 36.70A.170.

1 (d) Limited areas of more intensive rural development. Subject to
2 the requirements of this subsection and except as otherwise
3 specifically provided in this subsection (5)(d), the rural element may
4 allow for limited areas of more intensive rural development, including
5 necessary public facilities and public services to serve the limited
6 area as follows:

7 (i) Rural development consisting of the infill, development, or
8 redevelopment of existing commercial, industrial, residential, or
9 mixed-use areas, whether characterized as shoreline development,
10 villages, hamlets, rural activity centers, or crossroads developments.
11 A commercial, industrial, residential, shoreline, or mixed-use area
12 shall be subject to the requirements of (d)(iv) of this subsection, but
13 shall not be subject to the requirements of (c)(ii) and (iii) of this
14 subsection. An industrial area is not required to be principally
15 designed to serve the existing and projected rural population;

16 (ii) The intensification of development on lots containing, or new
17 development of, small-scale recreational or tourist uses, including
18 commercial facilities to serve those recreational or tourist uses, that
19 rely on a rural location and setting, but that do not include new
20 residential development. A small-scale recreation or tourist use is
21 not required to be principally designed to serve the existing and
22 projected rural population. Public services and public facilities
23 shall be limited to those necessary to serve the recreation or tourist
24 use and shall be provided in a manner that does not permit low-density
25 sprawl;

26 (iii) The intensification of development on lots containing
27 isolated nonresidential uses or new development of isolated cottage
28 industries and isolated small-scale businesses that are not principally
29 designed to serve the existing and projected rural population and
30 nonresidential uses, but do provide job opportunities for rural
31 residents. Public services and public facilities shall be limited to
32 those necessary to serve the isolated nonresidential use and shall be
33 provided in a manner that does not permit low-density sprawl;

34 (iv) A county shall adopt measures to minimize and contain the
35 existing areas or uses of more intensive rural development, as
36 appropriate, authorized under this subsection. Lands included in such
37 existing areas or uses shall not extend beyond the logical outer
38 boundary of the existing area or use, thereby allowing a new pattern of
39 low-density sprawl. Existing areas are those that are clearly

1 identifiable and contained and where there is a logical boundary
2 delineated predominately by the built environment, but that may also
3 include undeveloped lands if limited as provided in this subsection.
4 The county shall establish the logical outer boundary of an area of
5 more intensive rural development. In establishing the logical outer
6 boundary the county shall address (A) the need to preserve the
7 character of existing natural neighborhoods and communities, (B)
8 physical boundaries such as bodies of water, streets and highways, and
9 land forms and contours, (C) the prevention of abnormally irregular
10 boundaries, and (D) the ability to provide public facilities and public
11 services in a manner that does not permit low-density sprawl;

12 (v) For purposes of (d) of this subsection, an existing area or
13 existing use is one that was in existence:

14 (A) On July 1, 1990, in a county that was initially required to
15 plan under all of the provisions of this chapter;

16 (B) On the date the county adopted a resolution under RCW
17 36.70A.040(2), in a county that is planning under all of the provisions
18 of this chapter under RCW 36.70A.040(2); or

19 (C) On the date the office of financial management certifies the
20 county's population as provided in RCW 36.70A.040(5), in a county that
21 is planning under all of the provisions of this chapter pursuant to RCW
22 36.70A.040(5).

23 (e) Exception. This subsection shall not be interpreted to permit
24 in the rural area a major industrial development or a master planned
25 resort unless otherwise specifically permitted under RCW 36.70A.360 and
26 36.70A.365.

27 (6) A transportation element that implements, and is consistent
28 with, the land use element.

29 (a) The transportation element shall include the following
30 subelements:

31 (i) Land use assumptions used in estimating travel;

32 (ii) Estimated traffic impacts to state-owned transportation
33 facilities resulting from land use assumptions to assist the department
34 of transportation in monitoring the performance of state facilities, to
35 plan improvements for the facilities, and to assess the impact of land-
36 use decisions on state-owned transportation facilities;

37 (iii) Facilities and services needs, including:

38 (A) An inventory of air, water, and ground transportation
39 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities and
2 travel levels as a basis for future planning. This inventory must
3 include state-owned transportation facilities within the city or
4 county's jurisdiction boundaries;

5 (B) Level of service standards for all locally owned arterials and
6 transit routes to serve as a gauge to judge performance of the system.
7 These standards should be regionally coordinated;

8 (C) For state-owned transportation facilities, level of service
9 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
10 to gauge the performance of the system. The purposes of reflecting
11 level of service standards for state highways in the local
12 comprehensive plan are to monitor the performance of the system, to
13 evaluate improvement strategies, and to facilitate coordination between
14 the county's or city's six-year street, road, or transit program and
15 the department of transportation's six-year investment program. The
16 concurrency requirements of (b) of this subsection do not apply to
17 transportation facilities and services of statewide significance except
18 for counties consisting of islands whose only connection to the
19 mainland are state highways or ferry routes. In these island counties,
20 state highways and ferry route capacity must be a factor in meeting the
21 concurrency requirements in (b) of this subsection;

22 (D) Specific actions and requirements for bringing into compliance
23 locally owned transportation facilities or services that are below an
24 established level of service standard;

25 (E) Forecasts of traffic for at least ten years based on the
26 adopted land use plan to provide information on the location, timing,
27 and capacity needs of future growth;

28 (F) Identification of state and local system needs to meet current
29 and future demands. Identified needs on state-owned transportation
30 facilities must be consistent with the statewide multimodal
31 transportation plan required under chapter 47.06 RCW;

32 (iv) Finance, including:

33 (A) An analysis of funding capability to judge needs against
34 probable funding resources;

35 (B) A multiyear financing plan based on the needs identified in the
36 comprehensive plan, the appropriate parts of which shall serve as the
37 basis for the six-year street, road, or transit program required by RCW
38 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
39 for public transportation systems. The multiyear financing plan should

1 be coordinated with the six-year improvement program developed by the
2 department of transportation as required by RCW 47.05.030;

3 (C) If probable funding falls short of meeting identified needs, a
4 discussion of how additional funding will be raised, or how land use
5 assumptions will be reassessed to ensure that level of service
6 standards will be met;

7 (v) Intergovernmental coordination efforts, including an assessment
8 of the impacts of the transportation plan and land use assumptions on
9 the transportation systems of adjacent jurisdictions;

10 (vi) Demand-management strategies.

11 (b) After adoption of the comprehensive plan by jurisdictions
12 required to plan or who choose to plan under RCW 36.70A.040, local
13 jurisdictions must adopt and enforce ordinances which prohibit
14 development approval if the development causes the level of service on
15 a locally owned transportation facility to decline below the standards
16 adopted in the transportation element of the comprehensive plan, unless
17 transportation improvements or strategies to accommodate the impacts of
18 development are made concurrent with the development. These strategies
19 may include increased public transportation service, ride sharing
20 programs, demand management, and other transportation systems
21 management strategies. For the purposes of this subsection (6)
22 "concurrent with the development" shall mean that improvements or
23 strategies are in place at the time of development, or that a financial
24 commitment is in place to complete the improvements or strategies
25 within six years.

26 (c) The transportation element described in this subsection (6),
27 and the six-year plans required by RCW 35.77.010 for cities, RCW
28 36.81.121 for counties, RCW 35.58.2795 for public transportation
29 systems, and RCW 47.05.030 for the state, must be consistent.

30 (7) A shoreline element consisting of the goals and policies of the
31 local shoreline master program adopted under chapter 90.58 RCW.

32 NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW
33 to read as follows:

34 Not later than December 1, 2001, each local government planning
35 under RCW 36.70A.040 shall establish by ordinance or resolution an
36 integrated and consolidated planning process for the development and
37 adoption of comprehensive plans and development regulations under this

1 chapter and shoreline master programs under chapter 90.58 RCW. The
2 process shall include the following elements:

3 (1) Coordination of the planning process to satisfy the
4 requirements of this chapter and chapter 90.58 RCW;

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

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

9 (4) Opportunity for review and consideration of comment from
10 agencies and other interested parties as required by this chapter and
11 chapter 90.58 RCW;

12 (5) Consolidation of public hearing and comment processes to
13 satisfy the requirements of this chapter and chapter 90.58 RCW;

14 (6) Timing of submittal of master program elements to the
15 department of ecology to allow sufficient time for review and approval
16 by the department of ecology and to adhere to the schedule for review,
17 revision, and adoption of comprehensive plans and development
18 regulations specified in RCW 36.70A.130(2);

19 (7) Consolidation of amendment and adoption procedures and
20 processes to satisfy the requirements of this chapter and chapter 90.58
21 RCW; and

22 (8) Any other provisions not inconsistent with the requirements of
23 this chapter, chapter 43.21C RCW, or chapter 90.58 RCW.

24 **Sec. 7.** RCW 36.70A.110 and 1997 c 429 s 24 are each amended to
25 read as follows:

26 (1) Each county that is required or chooses to plan under RCW
27 36.70A.040 shall designate an urban growth area or areas within which
28 urban growth shall be encouraged and outside of which growth can occur
29 only if it is not urban in nature. Each city that is located in such
30 a county shall be included within an urban growth area. An urban
31 growth area may include more than a single city. An urban growth area
32 may include territory that is located outside of a city only if such
33 territory already is characterized by urban growth whether or not the
34 urban growth area includes a city, or is adjacent to territory already
35 characterized by urban growth, or is a designated new fully contained
36 community as defined by RCW 36.70A.350.

37 (2) Based upon the growth management population projection made for
38 the county by the office of financial management, the county and each

1 city within the county shall include areas and densities sufficient to
2 permit the urban growth that is projected to occur in the county or
3 city for the succeeding twenty-year period. Each urban growth area
4 shall permit urban densities and shall include greenbelt and open space
5 areas. An urban growth area determination may include a reasonable
6 land market supply factor and shall permit a range of urban densities
7 and uses. In determining this market factor, cities and counties may
8 consider local circumstances. Cities and counties have discretion in
9 their comprehensive plans to make many choices about accommodating
10 growth.

11 ~~((Within one year of July 1, 1990,))~~ Each county ~~((that as of June~~
12 ~~1, 1991, was required or chose to plan))~~ planning under RCW
13 36.70A.040~~((,-))~~ shall begin consulting with each city located within
14 its boundaries and each city shall propose the location of an urban
15 growth area~~((,-))~~ within sixty days of the date the county legislative
16 authority of a county adopts its resolution of intention or of
17 certification by the office of financial management~~((,- all other~~
18 ~~counties that are required or choose to plan under RCW 36.70A.040 shall~~
19 ~~begin this consultation with each city located within its boundaries))~~.
20 The county shall attempt to reach agreement with each city on the
21 location of an urban growth area within which the city is located. If
22 such an agreement is not reached with each city located within the
23 urban growth area, the county shall justify in writing why it so
24 designated the area an urban growth area. A city may object formally
25 with the department over the designation of the urban growth area
26 within which it is located. Where appropriate, the department shall
27 attempt to resolve the conflicts, including the use of mediation
28 services.

29 (3) Urban growth should be located first in areas already
30 characterized by urban growth that have adequate existing public
31 facility and service capacities to serve such development, second in
32 areas already characterized by urban growth that will be served
33 adequately by a combination of both existing public facilities and
34 services and any additional needed public facilities and services that
35 are provided by either public or private sources, and third in the
36 remaining portions of the urban growth areas. Urban growth may also be
37 located in designated new fully contained communities as defined by RCW
38 36.70A.350.

1 (4) In general, cities are the units of local government most
2 appropriate to provide urban governmental services. In general, it is
3 not appropriate that urban governmental services be extended to or
4 expanded in rural areas except in those limited circumstances shown to
5 be necessary to protect basic public health and safety and the
6 environment and when such services are financially supportable at rural
7 densities and do not permit urban development.

8 (5) (~~On or before October 1, 1993,~~) Each county (~~that was~~
9 ~~initially required to plan~~) planning under RCW 36.70A.040(~~(1)~~) shall
10 adopt development regulations designating interim urban growth areas
11 under this chapter(~~(-)~~) within three years and three months of the date
12 the county legislative authority of a county adopts its resolution of
13 intention or of certification by the office of financial management(~~(-~~
14 ~~all other counties that are required or choose to plan under RCW~~
15 ~~36.70A.040 shall adopt development regulations designating interim~~
16 ~~urban growth areas under this chapter)~~). Adoption of the interim urban
17 growth areas may only occur after public notice; public hearing; and
18 compliance with the state environmental policy act, chapter 43.21C RCW,
19 and RCW 36.70A.110. Such action may be appealed to the appropriate
20 growth management hearings board under RCW 36.70A.280. Final urban
21 growth areas shall be adopted at the time of comprehensive plan
22 adoption under this chapter.

23 (6) Each county shall include designations of urban growth areas in
24 its comprehensive plan.

25 **Sec. 8.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to
26 read as follows:

27 (1) Each comprehensive land use plan and development regulations
28 shall be subject to continuing review and evaluation by the county or
29 city that adopted them. (~~Not later than September 1, 2002, and at~~
30 ~~least every five years thereafter,~~) A county or city shall take action
31 to review and, if needed, revise its comprehensive land use plan and
32 development regulations to ensure that the plan and regulations are
33 complying with the requirements of this chapter and chapter 90.58 RCW
34 relating to master programs according to the schedule specified in
35 subsection (2) of this section.

36 (2) A county or city planning under RCW 36.70A.040 shall take
37 action to formally review and, if needed, revise its comprehensive land
38 use plan and development regulations according to the following

1 schedule to ensure that the plan and regulations comply with the
2 requirements of this chapter:

3 (a) Not later than September 1, 2005, and every five years
4 thereafter, for a county or city subject to the requirements of RCW
5 36.70A.215;

6 (b) Not later than September 1, 2006, and every ten years
7 thereafter, for a county or city not subject to the requirements of RCW
8 36.70A.215 that adopted its comprehensive plan according to this
9 chapter between January 1, 1992, and January 1, 1997; and

10 (c) Not later than September 1, 2007, and every ten years
11 thereafter, for a county or city not subject to the requirements of RCW
12 36.70A.215 that adopted its comprehensive plan according to this
13 chapter after January 1, 1997.

14 (3) A county or city that becomes required or chooses to plan under
15 RCW 36.70A.040 after July 1, 2001, shall take action to formally review
16 and, if needed, revise its comprehensive plan and development
17 regulations no later than:

18 (a) According to the schedule in subsection (2)(a) of this section
19 for a county or city subject to the requirements of RCW 36.70A.215; or

20 (b) Ten years after the date it was required to adopt its initial
21 comprehensive plan and development regulations according to this
22 chapter for a county or city not subject to RCW 36.70A.215 and every
23 ten years thereafter.

24 (4) Not later than September 1, 2007, and every ten years
25 thereafter, a county or city not planning under RCW 36.70A.040 shall
26 review and, if needed, revise its policies and regulations regarding
27 critical areas and natural resource lands to ensure that these policies
28 and regulations comply with this chapter.

29 (5) The formal review and evaluation required by ((this))
30 subsection (2) of this section may be combined with the review required
31 by subsection ((+3)) (8) of this section.

32 (6) Any amendment or revision to a comprehensive land use plan
33 shall conform to this chapter and chapter 90.58 RCW as it relates to
34 shorelines of the state, and any change to development regulations
35 shall be consistent with and implement the comprehensive plan.

36 ((+2)) (7)(a) Each county and city shall establish and broadly
37 disseminate to the public a public participation program
38 ((identifying)) according to RCW 36.70A.140 and 90.58.130 to identify
39 procedures whereby proposed amendments or revisions of the

1 comprehensive plan are considered by the governing body of the county
2 or city no more frequently than once every year (~~except that~~).
3 Amendments may be considered more frequently than once every year under
4 the following circumstances:

5 (i) The initial adoption of a subarea plan;

6 (ii) The adoption or amendment of a shoreline master program under
7 the procedures set forth in chapter 90.58 RCW; and

8 (iii) The amendment of the capital facilities element of a
9 comprehensive plan that occurs concurrently with the adoption or
10 amendment of a county or city budget.

11 (b) Except as otherwise provided in (a) of this subsection, all
12 proposals shall be considered by the governing body concurrently so the
13 cumulative effect of the various proposals can be ascertained.
14 However, after appropriate public participation a county or city may
15 adopt amendments or revisions to its comprehensive plan that conform
16 with this chapter whenever an emergency exists or to resolve an appeal
17 of a comprehensive plan filed with a growth management hearings board
18 or with the court.

19 (~~(3)~~) (8) Each county that designates urban growth areas under
20 RCW 36.70A.110 shall review, at least every ten years, its designated
21 urban growth area or areas, and the densities permitted within both the
22 incorporated and unincorporated portions of each urban growth area.
23 The department may authorize extension of the deadline for the review
24 required by this section to coordinate this review with the schedule
25 specified in subsections (2), (3), and (4) of this section. In
26 conjunction with this review by the county, each city located within an
27 urban growth area shall review the densities permitted within its
28 boundaries, and the extent to which the urban growth occurring within
29 the county has located within each city and the unincorporated portions
30 of the urban growth areas. The county comprehensive plan designating
31 urban growth areas, and the densities permitted in the urban growth
32 areas by the comprehensive plans of the county and each city located
33 within the urban growth areas, shall be revised to accommodate the
34 urban growth projected to occur in the county for the succeeding
35 twenty-year period. The review required by this subsection may be
36 combined with the review and evaluation required by RCW 36.70A.215.

37 **Sec. 9.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
38 read as follows:

1 (1) Each county and city (~~(that is required or chooses to plan)~~)
2 planning under RCW 36.70A.040 shall establish and broadly disseminate
3 to the public a public participation program identifying procedures
4 providing for early and continuous public participation in the
5 development and amendment of comprehensive land use plans and
6 development regulations implementing such plans. The procedures shall
7 provide for broad dissemination of proposals and alternatives,
8 opportunity for written comments, public meetings after effective
9 notice, provision for open discussion, communication programs,
10 information services, and consideration of and response to public
11 comments. In enacting legislation in response to the board's decision
12 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive
13 plan or development regulation invalid, the county or city shall
14 provide for public participation that is appropriate and effective
15 under the circumstances presented by the board's order. Errors in
16 exact compliance with the established program and procedures shall not
17 render the comprehensive land use plan or development regulations
18 invalid if the spirit of the program and procedures is observed.

19 (2) In addition to meeting the requirements of this section, the
20 public participation program related to development and amendment of
21 the shoreline master program constituting both the shoreline element of
22 the comprehensive plan and development regulations implementing the
23 shoreline element shall satisfy the requirements of RCW 90.58.100 and
24 90.58.130.

25 **Sec. 10.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to
26 read as follows:

27 (1) The legislature recognizes that counties are regional
28 governments within their boundaries, and cities are primary providers
29 of urban governmental services within urban growth areas. For the
30 purposes of this section, a "countywide planning policy" is a written
31 policy statement or statements used solely for establishing a
32 countywide framework from which county and city comprehensive plans are
33 developed and adopted pursuant to this chapter. This framework shall
34 ensure that city and county comprehensive plans are consistent as
35 required in RCW 36.70A.100. Nothing in this section shall be construed
36 to alter the land-use powers of cities.

1 (2) The legislative authority of a county that plans under RCW
2 36.70A.040 shall adopt a countywide planning policy in cooperation with
3 the cities located in whole or in part within the county as follows:

4 (a) ~~((No later than sixty calendar days from July 16, 1991,))~~ The
5 legislative authority of each county ~~((that as of June 1, 1991, was
6 required or chose to plan))~~ planning under RCW 36.70A.040 shall convene
7 a meeting with representatives of each city located within the county
8 for the purpose of establishing a collaborative process that will
9 provide a framework for the adoption of a countywide planning policy~~((-~~
10 ~~In other counties that are required or choose to plan under RCW
11 36.70A.040, this meeting shall be convened))~~ no later than sixty days
12 after the date the county adopts its resolution of intention or was
13 certified by the office of financial management.

14 (b) The process and framework for adoption of a countywide planning
15 policy specified in (a) of this subsection shall determine the manner
16 in which the county and the cities agree to all procedures and
17 provisions including but not limited to desired planning policies,
18 deadlines, ratification of final agreements and demonstration thereof,
19 and financing, if any, of all activities associated therewith.

20 (c) If a county fails for any reason to convene a meeting with
21 representatives of cities as required in (a) of this subsection, the
22 governor may immediately impose any appropriate sanction or sanctions
23 on the county from those specified under RCW 36.70A.340.

24 (d) If there is no agreement ~~((by October 1, 1991, in a county that
25 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
26 or if there is no agreement))~~ within one hundred twenty days of the
27 date the county adopted its resolution of intention or was certified by
28 the office of financial management in any ~~((other))~~ county ~~((that is
29 required or chooses to plan))~~ planning under RCW 36.70A.040, the
30 governor shall first inquire of the jurisdictions as to the reason or
31 reasons for failure to reach an agreement. If the governor deems it
32 appropriate, the governor may immediately request the assistance of the
33 department of community, trade, and economic development to mediate any
34 disputes that preclude agreement. If mediation is unsuccessful in
35 resolving all disputes that will lead to agreement, the governor may
36 impose appropriate sanctions from those specified under RCW 36.70A.340
37 on the county, city, or cities for failure to reach an agreement as
38 provided in this section. The governor shall specify the reason or
39 reasons for the imposition of any sanction.

1 (e) No (~~later than July 1, 1992, the legislative authority of each~~
2 ~~county that was required or chose to plan under RCW 36.70A.040 as of~~
3 ~~June 1, 1991, or no~~) later than fourteen months after the date the
4 county adopted its resolution of intention or was certified by the
5 office of financial management, the county legislative authority of any
6 (~~other~~) county (~~that is required or chooses to plan~~) planning under
7 RCW 36.70A.040(~~(7)~~) shall adopt a countywide planning policy according
8 to the process provided under this section and that is consistent with
9 the agreement pursuant to (b) of this subsection, and after holding a
10 public hearing or hearings on the proposed countywide planning policy.

11 (3) A countywide planning policy shall at a minimum, address the
12 following:

13 (a) Policies to implement RCW 36.70A.110;

14 (b) Policies for promotion of contiguous and orderly development
15 and provision of urban services to such development;

16 (c) Policies for siting public capital facilities of a countywide
17 or statewide nature, including transportation facilities of statewide
18 significance as defined in RCW 47.06.140;

19 (d) Policies for countywide transportation facilities and
20 strategies;

21 (e) Policies that consider the need for affordable housing, such as
22 housing for all economic segments of the population and parameters for
23 its distribution;

24 (f) Policies for joint county and city planning within urban growth
25 areas;

26 (g) Policies for countywide economic development and employment;
27 (~~and~~)

28 (h) Policies to achieve consistency among jurisdictions within the
29 county regarding actions taken to comply with chapter 90.58 RCW; and

30 (i) An analysis of the fiscal impact.

31 (4) Federal agencies and Indian tribes may participate in and
32 cooperate with the countywide planning policy adoption process.
33 Adopted countywide planning policies shall be adhered to by state
34 agencies.

35 (5) Failure to adopt a countywide planning policy that meets the
36 requirements of this section may result in the imposition of a sanction
37 or sanctions on a county or city within the county, as specified in RCW
38 36.70A.340. In imposing a sanction or sanctions, the governor shall
39 specify the reasons for failure to adopt a countywide planning policy

1 in order that any imposed sanction or sanctions are fairly and
2 equitably related to the failure to adopt a countywide planning policy.

3 (6) Cities and the governor may appeal an adopted countywide
4 planning policy to the growth management hearings board within sixty
5 days of the adoption of the countywide planning policy.

6 (7) Multicounty planning policies shall be adopted by two or more
7 counties, each with a population of four hundred fifty thousand or
8 more, with contiguous urban areas and may be adopted by other counties,
9 according to the process established under this section or other
10 processes agreed to among the counties and cities within the affected
11 counties throughout the multicounty region.

12 **Sec. 11.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to
13 read as follows:

14 (1) Subject to the limitations in subsection (7) of this section,
15 a county shall adopt, in consultation with its cities, countywide
16 planning policies to establish a review and evaluation program. This
17 program shall be in addition to the requirements of RCW 36.70A.110,
18 36.70A.130, and 36.70A.210. In developing and implementing the review
19 and evaluation program required by this section, the county and its
20 cities shall consider information from other appropriate jurisdictions
21 and sources. The purpose of the review and evaluation program shall be
22 to:

23 (a) Determine whether a county and its cities are achieving urban
24 densities within urban growth areas by comparing growth and development
25 assumptions, targets, and objectives contained in the countywide
26 planning policies and the county and city comprehensive plans with
27 actual growth and development that has occurred in the county and its
28 cities; and

29 (b) Identify reasonable measures, other than adjusting urban growth
30 areas, that will be taken to comply with the requirements of this
31 chapter.

32 (2) The review and evaluation program shall:

33 (a) Encompass land uses and activities both within and outside of
34 urban growth areas and provide for annual collection of data on urban
35 and rural land uses, development, critical areas, and capital
36 facilities to the extent necessary to determine the quantity and type
37 of land suitable for development, both for residential and employment-
38 based activities;

1 (b) Provide for evaluation of the data collected under (a) of this
2 subsection every five years as provided in subsection (3) of this
3 section. The first evaluation and subsequent evaluations shall be
4 completed (~~((not later than September 1, 2002))~~) according to the
5 schedule for review of comprehensive plans and development regulations
6 specified in RCW 36.70A.130. The county and its cities may establish
7 in the countywide planning policies indicators, benchmarks, and other
8 similar criteria to use in conducting the evaluation;

9 (c) Provide for methods to resolve disputes among jurisdictions
10 relating to the countywide planning policies required by this section
11 and procedures to resolve inconsistencies in collection and analysis of
12 data; and

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

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

19 (a) Determine whether there is sufficient suitable land to
20 accommodate the countywide population projection established for the
21 county pursuant to RCW 43.62.035 and the subsequent population
22 allocations within the county and between the county and its cities and
23 the requirements of RCW 36.70A.110;

24 (b) Determine the actual density of housing that has been
25 constructed and the actual amount of land developed for commercial and
26 industrial uses within the urban growth area since the adoption of a
27 comprehensive plan under this chapter or since the last periodic
28 evaluation as required by subsection (1) of this section; and

29 (c) Based on the actual density of development as determined under
30 (b) of this subsection, review commercial, industrial, and housing
31 needs by type and density range to determine the amount of land needed
32 for commercial, industrial, and housing for the remaining portion of
33 the twenty-year planning period used in the most recently adopted
34 comprehensive plan.

35 (4) If the evaluation required by subsection (3) of this section
36 demonstrates an inconsistency between what has occurred since the
37 adoption of the countywide planning policies and the county and city
38 comprehensive plans and development regulations and what was envisioned
39 in those policies and plans and the planning goals and the requirements

1 of this chapter, as the inconsistency relates to the evaluation factors
2 specified in subsection (3) of this section, the county and its cities
3 shall adopt and implement measures that are reasonably likely to
4 increase consistency during the subsequent five-year period. If
5 necessary, a county, in consultation with its cities as required by RCW
6 36.70A.210, shall adopt amendments to countywide planning policies to
7 increase consistency. The county and its cities shall annually monitor
8 the measures adopted under this subsection to determine their effect
9 and may revise or rescind them as appropriate.

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

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

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

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

33 **Sec. 12.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to
34 read as follows:

35 (1) For shorelines of the state, the goals and policies of the
36 shoreline management act as set forth in RCW 90.58.020 are (~~added as~~)
37 one of the goals of this chapter as set forth in RCW 36.70A.020. The
38 goals and policies of a shoreline master program for a county or city

1 approved under chapter 90.58 RCW (~~((shall be considered))~~) are an element
2 of the county or city's comprehensive plan as specified in RCW
3 36.70A.070. All other portions of the shoreline master program for a
4 county or city adopted under chapter 90.58 RCW, including use
5 regulations, (~~((shall be considered))~~) are a part of the county or city's
6 development regulations as defined in RCW 36.70A.030.

7 (2) The shoreline master program shall be adopted (~~((pursuant to the~~
8 ~~procedures of chapter 90.58 RCW rather than the procedures set forth in~~
9 ~~this chapter for the adoption of a comprehensive plan or development~~
10 ~~regulations))~~) as an element of the comprehensive plan adopted according
11 to this chapter and consistent with the requirements of this chapter
12 and chapter 90.58 RCW.

13 **Sec. 13.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (5) of this section,
16 comprehensive plans and development regulations, and amendments
17 thereto, adopted under this chapter are presumed valid upon adoption.

18 (2) Except as otherwise provided in subsection (4) of this section,
19 the burden is on the petitioner to demonstrate that any action taken by
20 a state agency, county, or city under this chapter is not in compliance
21 with the requirements of this chapter.

22 (3) In any petition under this chapter, the board, after full
23 consideration of the petition, shall determine whether there is
24 compliance with the requirements of this chapter. In making its
25 determination, the board shall consider the criteria adopted by the
26 department under RCW 36.70A.190(4). The board shall find compliance
27 unless it determines that the action by the state agency, county, or
28 city is clearly erroneous in view of the entire record before the board
29 and in light of the goals and requirements of this chapter.

30 (4) A county or city subject to a determination of invalidity made
31 under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that
32 the ordinance or resolution it has enacted in response to the
33 determination of invalidity will no longer substantially interfere with
34 the fulfillment of the goals of this chapter under the standard in RCW
35 36.70A.302(1).

36 (5) The shoreline element of a comprehensive plan and the
37 applicable development regulations adopted by a county or city shall
38 take effect as provided in chapter 90.58 RCW. A shoreline master

1 program constituting both the shoreline element of a comprehensive plan
2 and shoreline development regulations shall be reviewed according to
3 the requirements of this chapter and chapter 90.58 RCW.

4 **PART II--SHORELINE MANAGEMENT ACT**

5 **Sec. 14.** RCW 90.58.030 and 1996 c 265 s 1 are each amended to read
6 as follows:

7 As used in this chapter, unless the context otherwise requires, the
8 following definitions and concepts apply:

9 (1) Administration:

10 (a) "Department" means the department of ecology;

11 (b) "Director" means the director of the department of ecology;

12 (c) "Local government" means any county, incorporated city, or town
13 which contains within its boundaries any lands or waters subject to
14 this chapter;

15 (d) "Person" means an individual, partnership, corporation,
16 association, organization, cooperative, public or municipal
17 corporation, or agency of the state or local governmental unit however
18 designated;

19 (e) "Hearing board" means the shoreline hearings board established
20 by this chapter.

21 (2) Geographical:

22 (a) "Extreme low tide" means the lowest line on the land reached by
23 a receding tide;

24 (b) "Ordinary high water mark" on all lakes, streams, and tidal
25 water is that mark that will be found by examining the bed and banks
26 and ascertaining where the presence and action of waters are so common
27 and usual, and so long continued in all ordinary years, as to mark upon
28 the soil a character distinct from that of the abutting upland, in
29 respect to vegetation as that condition exists on June 1, 1971, as it
30 may naturally change thereafter, or as it may change thereafter in
31 accordance with permits issued by a local government or the department:
32 PROVIDED, That in any area where the ordinary high water mark cannot be
33 found, the ordinary high water mark adjoining salt water shall be the
34 line of mean higher high tide and the ordinary high water mark
35 adjoining fresh water shall be the line of mean high water;

36 (c) "Shorelines of the state" are the total of all "shorelines" and
37 "shorelines of statewide significance" within the state;

1 (d) "Shorelines" means all of the water areas of the state,
2 including reservoirs, and their associated shorelands, together with
3 the lands underlying them; except (i) shorelines of statewide
4 significance; (ii) shorelines on segments of streams upstream of a
5 point where the mean annual flow is twenty cubic feet per second or
6 less and the wetlands associated with such upstream segments; and (iii)
7 shorelines on lakes less than twenty acres in size and wetlands
8 associated with such small lakes;

9 (e) "Shorelines of statewide significance" means the following
10 shorelines of the state:

11 (i) The area between the ordinary high water mark and the western
12 boundary of the state from Cape Disappointment on the south to Cape
13 Flattery on the north, including harbors, bays, estuaries, and inlets;

14 (ii) Those areas of Puget Sound and adjacent salt waters and the
15 Strait of Juan de Fuca between the ordinary high water mark and the
16 line of extreme low tide as follows:

17 (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

18 (B) Birch Bay--from Point Whitehorn to Birch Point,

19 (C) Hood Canal--from Tala Point to Foulweather Bluff,

20 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,
21 and

22 (E) Padilla Bay--from March Point to William Point;

23 (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and
24 adjacent salt waters north to the Canadian line and lying seaward from
25 the line of extreme low tide;

26 (iv) Those lakes, whether natural, artificial, or a combination
27 thereof, with a surface acreage of one thousand acres or more measured
28 at the ordinary high water mark;

29 (v) Those natural rivers or segments thereof as follows:

30 (A) Any west of the crest of the Cascade range downstream of a
31 point where the mean annual flow is measured at one thousand cubic feet
32 per second or more,

33 (B) Any east of the crest of the Cascade range downstream of a
34 point where the annual flow is measured at two hundred cubic feet per
35 second or more, or those portions of rivers east of the crest of the
36 Cascade range downstream from the first three hundred square miles of
37 drainage area, whichever is longer;

38 (vi) Those shorelands associated with (i), (ii), (iv), and (v) of
39 this subsection (2)(e);

1 (f) "Shorelands" or "shoreland areas" means those lands extending
2 landward for two hundred feet in all directions as measured on a
3 horizontal plane from the ordinary high water mark; floodways and
4 contiguous floodplain areas landward two hundred feet from such
5 floodways; and all wetlands and river deltas associated with the
6 streams, lakes, and tidal waters which are subject to the provisions of
7 this chapter; the same to be designated as to location by the
8 department of ecology. Any county or city may determine that portion
9 of a one-hundred-year-flood plain to be included in its master program
10 as long as such portion includes, as a minimum, the floodway and the
11 adjacent land extending landward two hundred feet therefrom;

12 (g) "Floodway" means those portions of the area of a river valley
13 lying streamward from the outer limits of a watercourse upon which
14 flood waters are carried during periods of flooding that occur with
15 reasonable regularity, although not necessarily annually, said floodway
16 being identified, under normal condition, by changes in surface soil
17 conditions or changes in types or quality of vegetative ground cover
18 condition. The floodway shall not include those lands that can
19 reasonably be expected to be protected from flood waters by flood
20 control devices maintained by or maintained under license from the
21 federal government, the state, or a political subdivision of the state;

22 (h) "Wetlands" means areas that are inundated or saturated by
23 surface water or ground water at a frequency and duration sufficient to
24 support, and that under normal circumstances do support, a prevalence
25 of vegetation typically adapted for life in saturated soil conditions.
26 Wetlands generally include swamps, marshes, bogs, and similar areas.
27 Wetlands do not include those artificial wetlands intentionally created
28 from nonwetland sites, including, but not limited to, irrigation and
29 drainage ditches, grass-lined swales, canals, detention facilities,
30 wastewater treatment facilities, farm ponds, and landscape amenities,
31 or those wetlands created after July 1, 1990, that were unintentionally
32 created as a result of the construction of a road, street, or highway.
33 Wetlands may include those artificial wetlands intentionally created
34 from nonwetland areas to mitigate the conversion of wetlands.

35 (3) Procedural terms:

36 (a) "Comprehensive land use plan," "comprehensive plan," or "plan"
37 has the same meaning as in RCW 36.70A.030;

38 (b) "Critical areas" has the same meaning as in RCW 36.70A.030;

1 (c) "Development regulations" has the same meaning as in RCW
2 36.70A.030;

3 (d) "Guidelines" means those standards adopted to implement the
4 policy of this chapter for regulation of use of the shorelines of the
5 state prior to adoption of master programs. Such standards shall also
6 provide criteria to local governments and the department in developing
7 master programs;

8 ~~((b))~~ (e) "Master program" shall mean the comprehensive use plan
9 for a described area, and the use regulations together with maps,
10 diagrams, charts, or other descriptive material and text, a statement
11 of desired goals, and standards developed in accordance with the
12 policies enunciated in RCW 90.58.020. The master program is an element
13 of the comprehensive plan developed and adopted under chapter 36.70A
14 RCW, subject to the requirements of this chapter;

15 ~~((e))~~ (f) "State master program" is the cumulative total of all
16 master programs approved or adopted by the department of ecology;

17 ~~((d))~~ (g) "Development" means a use consisting of the
18 construction or exterior alteration of structures; dredging; drilling;
19 dumping; filling; removal of any sand, gravel, or minerals;
20 bulkheading; driving of piling; placing of obstructions; or any project
21 of a permanent or temporary nature which interferes with the normal
22 public use of the surface of the waters overlying lands subject to this
23 chapter at any state of water level;

24 ~~((e))~~ (h) "Substantial development" shall mean any development of
25 which the total cost or fair market value exceeds two thousand five
26 hundred dollars, or any development which materially interferes with
27 the normal public use of the water or shorelines of the state; except
28 that the following shall not be considered substantial developments for
29 the purpose of this chapter:

30 (i) Normal maintenance or repair of existing structures or
31 developments, including damage by accident, fire, or elements;

32 (ii) Construction of the normal protective bulkhead common to
33 single family residences;

34 (iii) Emergency construction necessary to protect property from
35 damage by the elements;

36 (iv) Construction and practices normal or necessary for farming,
37 irrigation, and ranching activities, including agricultural service
38 roads and utilities on shorelands, and the construction and maintenance
39 of irrigation structures including but not limited to head gates,

1 pumping facilities, and irrigation channels. A feedlot of any size,
2 all processing plants, other activities of a commercial nature,
3 alteration of the contour of the shorelands by leveling or filling
4 other than that which results from normal cultivation, shall not be
5 considered normal or necessary farming or ranching activities. A
6 feedlot shall be an enclosure or facility used or capable of being used
7 for feeding livestock hay, grain, silage, or other livestock feed, but
8 shall not include land for growing crops or vegetation for livestock
9 feeding and/or grazing, nor shall it include normal livestock wintering
10 operations;

11 (v) Construction or modification of navigational aids such as
12 channel markers and anchor buoys;

13 (vi) Construction on shorelands by an owner, lessee, or contract
14 purchaser of a single family residence for his or her own use or for
15 the use of his or her family, which residence does not exceed a height
16 of thirty-five feet above average grade level and which meets all
17 requirements of the state agency or local government having
18 jurisdiction thereof, other than requirements imposed pursuant to this
19 chapter;

20 (vii) Construction of a dock, including a community dock, designed
21 for pleasure craft only, for the private noncommercial use of the
22 owner, lessee, or contract purchaser of single and multiple family
23 residences. This exception applies if either: (A) In salt waters, the
24 fair market value of the dock does not exceed two thousand five hundred
25 dollars; or (B) in fresh waters, the fair market value of the dock does
26 not exceed ten thousand dollars, but if subsequent construction having
27 a fair market value exceeding two thousand five hundred dollars occurs
28 within five years of completion of the prior construction, the
29 subsequent construction shall be considered a substantial development
30 for the purpose of this chapter;

31 (viii) Operation, maintenance, or construction of canals,
32 waterways, drains, reservoirs, or other facilities that now exist or
33 are hereafter created or developed as a part of an irrigation system
34 for the primary purpose of making use of system waters, including
35 return flow and artificially stored ground water for the irrigation of
36 lands;

37 (ix) The marking of property lines or corners on state owned lands,
38 when such marking does not significantly interfere with normal public
39 use of the surface of the water;

1 (x) Operation and maintenance of any system of dikes, ditches,
2 drains, or other facilities existing on September 8, 1975, which were
3 created, developed, or utilized primarily as a part of an agricultural
4 drainage or diking system;

5 (xi) Site exploration and investigation activities that are
6 prerequisite to preparation of an application for development
7 authorization under this chapter, if:

8 (A) The activity does not interfere with the normal public use of
9 the surface waters;

10 (B) The activity will have no significant adverse impact on the
11 environment including, but not limited to, fish, wildlife, fish or
12 wildlife habitat, water quality, and aesthetic values;

13 (C) The activity does not involve the installation of a structure,
14 and upon completion of the activity the vegetation and land
15 configuration of the site are restored to conditions existing before
16 the activity;

17 (D) A private entity seeking development authorization under this
18 section first posts a performance bond or provides other evidence of
19 financial responsibility to the local jurisdiction to ensure that the
20 site is restored to preexisting conditions; and

21 (E) The activity is not subject to the permit requirements of RCW
22 90.58.550;

23 (xii) The process of removing or controlling an aquatic noxious
24 weed, as defined in RCW 17.26.020, through the use of an herbicide or
25 other treatment methods applicable to weed control that are recommended
26 by a final environmental impact statement published by the department
27 of agriculture or the department jointly with other state agencies
28 under chapter 43.21C RCW.

29 **Sec. 15.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to
30 read as follows:

31 (1) The department shall periodically review and adopt guidelines
32 consistent with RCW 90.58.020, containing the elements specified in RCW
33 90.58.100 for:

34 (a) Development of master programs for regulation of the uses of
35 shorelines; and

36 (b) Development of master programs for regulation of the uses of
37 shorelines of statewide significance.

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

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

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

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

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

31 **Sec. 16.** RCW 90.58.070 and 1971 ex.s. c 286 s 7 are each amended
32 to read as follows:

33 (1) ~~((Local governments))~~ (a) Counties and cities not planning
34 under RCW 36.70A.040 are directed with regard to shorelines of the
35 state in their various jurisdictions to submit to the director of the
36 department, ~~((within))~~ at least six months ~~((from June 1, 1971))~~ before
37 the deadline specified in RCW 90.58.080, letters stating that they

1 propose to complete an inventory and develop master programs for these
2 shorelines as provided for in RCW 90.58.080.

3 (b) Counties and cities planning under RCW 36.70A.040 are directed
4 with regard to shorelines of the state in their various jurisdictions
5 to submit to the director of the department, at least six months before
6 the deadline specified in RCW 36.70A.130, letters stating that they
7 propose to complete an inventory and develop master programs for these
8 shorelines as provided for in RCW 90.58.080. Counties and cities
9 planning under RCW 36.70A.040 shall submit the master program to the
10 department for review and approval no later than one hundred twenty
11 days before final adoption.

12 (2) If any local government fails to submit a letter as ((provided
13 in)) required by subsection (1) of this section, or fails to adopt a
14 master program for the shorelines of the state within its jurisdiction
15 in accordance with the time schedule provided in this chapter, the
16 department shall carry out the requirements of RCW 90.58.080 and adopt
17 a master program for the shorelines of the state within the
18 jurisdiction of the local government.

19 **Sec. 17.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to
20 read as follows:

21 ~~((Local governments shall develop or amend, within twenty four~~
22 ~~months after the adoption of guidelines as provided in RCW 90.58.060,~~
23 ~~a master program for regulation of uses of the shorelines of the state~~
24 ~~consistent with the required elements of the guidelines adopted by the~~
25 ~~department.))~~

26 (1) Local governments shall develop or amend master programs for
27 regulation of uses of the shorelines of the state consistent with the
28 required elements of the guidelines according to the schedule for
29 review of comprehensive plans, policies, and regulations specified in
30 RCW 36.70A.130.

31 (2) The department may extend the date by which a county or city is
32 required to develop or amend a master program if the county or city
33 demonstrates that it is proceeding in an orderly fashion, and is making
34 a good faith effort, to meet these requirements. An extension may be
35 for up to an additional one hundred eighty days. The length of an
36 extension shall be based on the difficulty of the effort to conform
37 with these requirements and shall be consistent with any extension

1 granted by the department of community, trade, and economic development
2 according to RCW 36.70A.045.

3 **Sec. 18.** RCW 90.58.090 and 1997 c 429 s 50 are each amended to
4 read as follows:

5 (1) A master program, segment of a master program, or an amendment
6 to a master program shall become effective when approved by the
7 department. Within the time period provided in RCW 90.58.080, each
8 (~~local government~~) county and city shall have submitted a master
9 program, either totally or by segments, for all shorelines of the state
10 within its jurisdiction to the department for review and approval.

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

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

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

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

28 (d) Within thirty days after receipt of the local government
29 response pursuant to (c) of this subsection, make written findings and
30 conclusions regarding the consistency of the proposal with the policy
31 of RCW 90.58.020 and the applicable guidelines, provide a response to
32 the issues identified in (c) of this subsection, and either approve the
33 proposal as submitted, recommend specific changes necessary to make the
34 proposal approvable, or deny approval of the proposal in those
35 instances where no alteration of the proposal appears likely to be
36 consistent with the policy of RCW 90.58.020 and the applicable
37 guidelines. The written findings and conclusions shall be provided to

1 the local government, all interested persons, parties, groups, and
2 agencies of record on the proposal;

3 (e) If the department recommends changes to the proposed master
4 program or amendment, within thirty days after the department mails the
5 written findings and conclusions to the local government, the local
6 government may:

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

10 (ii) Submit an alternative proposal. If, in the opinion of the
11 department, the alternative is consistent with the purpose and intent
12 of the changes originally submitted by the department and with this
13 chapter it shall approve the changes and provide written notice to all
14 recipients of the written findings and conclusions. If the department
15 determines the proposal is not consistent with the purpose and intent
16 of the changes proposed by the department, the department may resubmit
17 the proposal for public and agency review pursuant to this section or
18 reject the proposal.

19 (3) Within one hundred twenty days of the date the department
20 receives a proposed master program from a county or city planning under
21 RCW 36.70A.040, the department shall issue a decision approving or
22 denying approval of the master program. The department may alter the
23 time periods specified in subsection (2) of this section to allow for
24 a decision to be issued within the time required by this subsection.
25 A county or city planning under RCW 36.70A.040 shall include the master
26 program adopted by the department as the shoreline element of its
27 comprehensive plan and the shoreline development regulations
28 implementing the shoreline element before final adoption.

29 (4) The department shall approve the segment of a master program
30 relating to shorelines unless it determines that the submitted segments
31 are not consistent with the policy of RCW 90.58.020 and the applicable
32 guidelines.

33 ~~((4))~~ (5) The department shall approve those segments of the
34 master program relating to shorelines of statewide significance only
35 after determining the program provides the optimum implementation of
36 the policy of this chapter to satisfy the statewide interest. If the
37 department does not approve a segment of a local government master
38 program relating to a shoreline of statewide significance, the

1 department may develop and by rule adopt an alternative to the local
2 government s proposal.

3 (~~(5)~~) (6) In the event a local government has not complied with
4 the requirements of RCW 90.58.070 it may thereafter upon written notice
5 to the department elect to adopt a master program for the shorelines
6 within its jurisdiction, in which event it shall comply with the
7 provisions established by this chapter for the adoption of a master
8 program for such shorelines.

9 Upon approval of such master program by the department it shall
10 supersede such master program as may have been adopted by the
11 department for such shorelines.

12 (~~(6)~~) (7) A master program or amendment to a master program takes
13 effect when and in such form as approved or adopted by the department.
14 Shoreline master programs that were adopted by the department prior to
15 July 22, 1995, in accordance with the provisions of this section then
16 in effect, shall be deemed approved by the department in accordance
17 with the provisions of this section that became effective on that date.
18 The department shall maintain a record of each master program, the
19 action taken on any proposal for adoption or amendment of the master
20 program, and any appeal of the department's action. The department's
21 approved document of record constitutes the official master program.

22 NEW SECTION. Sec. 19. A new section is added to chapter 90.58 RCW
23 to read as follows:

24 Not later than December 1, 2001, each local government planning
25 under RCW 36.70A.040 shall establish by ordinance or resolution an
26 integrated and consolidated planning process for the development and
27 adoption of comprehensive plans and development regulations under
28 chapter 36.70A RCW and shoreline master programs under this chapter.
29 The process shall include the following elements:

30 (1) Coordination of the planning process to satisfy the
31 requirements of chapter 36.70A RCW and this chapter;

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

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

36 (4) Opportunity for review and consideration of comment from
37 agencies and other interested parties as required by chapter 36.70A RCW
38 and this chapter;

1 (5) Consolidation of public hearing and comment processes to
2 satisfy the requirements of chapter 36.70A RCW and this chapter;

3 (6) Timing of submittal of master program elements to the
4 department of ecology to allow sufficient time for review and approval
5 by the department of ecology and to adhere to the schedule for review,
6 revision, and adoption of comprehensive plans and development
7 regulations specified in RCW 36.70A.130(2);

8 (7) Consolidation of amendment and adoption procedures and
9 processes to satisfy the requirements of chapter 36.70A RCW and this
10 chapter; and

11 (8) Any other provisions not inconsistent with the requirements of
12 chapter 36.70A RCW, chapter 43.21C RCW, or this chapter.

13 **Sec. 20.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read
14 as follows:

15 (1) The master programs provided for in this chapter, when adopted
16 or approved by the department shall constitute use regulations for the
17 various shorelines of the state. The goals and policies of the master
18 program constitute the shoreline element of the comprehensive plan
19 adopted according to chapter 36.70A RCW, and the use regulations
20 included within the master program constitute development regulations
21 as defined in chapter 36.70A RCW. In preparing the master programs,
22 and any amendments thereto, the department and local governments shall
23 to the extent feasible:

24 (a) Utilize a systematic interdisciplinary approach which will
25 insure the integrated use of the natural and social sciences and the
26 environmental design arts;

27 (b) Consult with and obtain the comments of any federal, state,
28 regional, or local agency having any special expertise with respect to
29 any environmental impact;

30 (c) Consider all plans, studies, surveys, inventories, and systems
31 of classification made or being made by federal, state, regional, or
32 local agencies, by private individuals, or by organizations dealing
33 with pertinent shorelines of the state;

34 (d) Conduct or support such further research, studies, surveys, and
35 interviews as are deemed necessary;

36 (e) Utilize all available information regarding hydrology,
37 geography, topography, ecology, economics, and other pertinent data;

1 (f) Employ, when feasible, all appropriate, modern scientific data
2 processing and computer techniques to store, index, analyze, and manage
3 the information gathered.

4 (2) The master programs shall include, when appropriate, the
5 following:

6 (a) An economic development element for the location and design of
7 industries, industrial projects of statewide significance,
8 transportation facilities, port facilities, tourist facilities,
9 commerce and other developments that are particularly dependent on
10 their location on or use of the shorelines of the state;

11 (b) A public access element making provision for public access to
12 publicly owned areas;

13 (c) A recreational element for the preservation and enlargement of
14 recreational opportunities, including but not limited to parks,
15 tidelands, beaches, and recreational areas;

16 (d) A circulation element consisting of the general location and
17 extent of existing and proposed major thoroughfares, transportation
18 routes, terminals, and other public utilities and facilities, all
19 correlated with the shoreline use element;

20 (e) A use element which considers the proposed general distribution
21 and general location and extent of the use on shorelines and adjacent
22 land areas for housing, business, industry, transportation,
23 agriculture, natural resources, recreation, education, public buildings
24 and grounds, and other categories of public and private uses of the
25 land;

26 (f) A conservation element for the preservation of natural
27 resources, including but not limited to scenic vistas, aesthetics, and
28 vital estuarine areas for fisheries and wildlife protection;

29 (g) An historic, cultural, scientific, and educational element for
30 the protection and restoration of buildings, sites, and areas having
31 historic, cultural, scientific, or educational values;

32 (h) An element that gives consideration to the statewide interest
33 in the prevention and minimization of flood damages; and

34 (i) Any other element deemed appropriate or necessary to effectuate
35 the policy of this chapter.

36 (3) The master programs shall include such map or maps, descriptive
37 text, diagrams and charts, or other descriptive material as are
38 necessary to provide for ease of understanding.

1 (4) Master programs will reflect that state-owned shorelines of the
2 state are particularly adapted to providing wilderness beaches,
3 ecological study areas, and other recreational activities for the
4 public and will give appropriate special consideration to same.

5 (5) Each master program shall contain provisions to allow for the
6 varying of the application of use regulations of the program, including
7 provisions for permits for conditional uses and variances, to insure
8 that strict implementation of a program will not create unnecessary
9 hardships or thwart the policy enumerated in RCW 90.58.020. Any such
10 varying shall be allowed only if extraordinary circumstances are shown
11 and the public interest suffers no substantial detrimental effect. The
12 concept of this subsection shall be incorporated in the rules adopted
13 by the department relating to the establishment of a permit system as
14 provided in RCW 90.58.140(3).

15 (6) Each master program shall contain standards governing the
16 protection of single family residences and appurtenant structures
17 against damage or loss due to shoreline erosion. The standards shall
18 govern the issuance of substantial development permits for shoreline
19 protection, including structural methods such as construction of
20 bulkheads, and nonstructural methods of protection. The standards
21 shall provide for methods which achieve effective and timely protection
22 against loss or damage to single family residences and appurtenant
23 structures due to shoreline erosion. The standards shall provide a
24 preference for permit issuance for measures to protect single family
25 residences occupied prior to January 1, 1992, where the proposed
26 measure is designed to minimize harm to the shoreline natural
27 environment.

28 **Sec. 21.** RCW 90.58.110 and 1971 ex.s. c 286 s 11 are each amended
29 to read as follows:

30 (1) Whenever it shall appear to the director that a master program
31 should be developed for a region of the shorelines of the state which
32 includes lands and waters located in two or more adjacent local
33 government jurisdictions, the director shall designate such region and
34 notify the appropriate units of local government thereof. It shall be
35 the duty of the notified units to develop cooperatively an inventory
36 and master program in accordance with and within the time provided in
37 RCW 90.58.080.

1 (2) Subject to the timing requirements of RCW 36.70A.130 and
2 90.58.080 and at the discretion of the department, a local government
3 master program may be adopted in segments applicable to particular
4 areas so that immediate attention may be given to those areas of the
5 shorelines of the state in most need of a use regulation.

6 **Sec. 22.** RCW 90.58.130 and 1971 ex.s. c 286 s 13 are each amended
7 to read as follows:

8 To insure that all persons and entities having an interest in the
9 guidelines and master programs developed under this chapter are
10 provided with a full opportunity for involvement in both their
11 development and implementation, the department and local governments
12 shall:

13 (1) Make reasonable efforts to inform the people of the state about
14 the shoreline management program of this chapter and in the performance
15 of the responsibilities provided in this chapter, shall not only invite
16 but actively encourage participation by all persons and private groups
17 and entities showing an interest in shoreline management programs of
18 this chapter; and

19 (2) Invite and encourage participation by all agencies of federal,
20 state, and local government, including municipal and public
21 corporations, having interests or responsibilities relating to the
22 shorelines of the state. State and local agencies are directed to
23 participate fully to insure that their interests are fully considered
24 by the department and local governments. These regulations shall be
25 incorporated into the planning process required by section 6 of this
26 act and be part of the public participation process required by RCW
27 36.70A.140.

28 **Sec. 23.** RCW 90.58.250 and 1971 ex.s. c 286 s 25 are each amended
29 to read as follows:

30 The department is directed to cooperate fully with local
31 governments in discharging their responsibilities under this chapter.
32 Funds shall be available for distribution to local governments on the
33 basis of applications for preparation of master programs. Such
34 applications shall be submitted in accordance with regulations
35 developed by the department. The department is authorized to make and
36 administer grants within appropriations authorized by the legislature

1 to any local government within the state for the purpose of developing
2 a master shorelines program.

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

5 NEW SECTION. **Sec. 24.** Part headings used in this act are not any
6 part of the law.

7 NEW SECTION. **Sec. 25.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 2001.

--- END ---