
ENGROSSED SUBSTITUTE SENATE BILL 5378

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Natural Resources, Parks & Shorelines
(originally sponsored by Senators Jacobsen, Swecker and Spanel; by
request of Governor Locke)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to amendments to shoreline master programs and
2 critical areas; amending RCW 90.58.080 and 36.70A.130; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that many factors
6 impact the quality and availability of habitat for salmon in their
7 various life stages. The legislature also finds that substantial
8 portions of the shoreline management rules recently adopted by the
9 department of ecology are intended to improve shoreline practices
10 that impact salmon. The legislature also finds that many state and
11 federal laws direct counties and cities to take action to protect
12 and improve salmon habitat.

13 The legislature recognizes that there are numerous regulations
14 requiring local governments to protect the environment, and salmon
15 in particular. The growth management act requires that county and
16 city development regulations include best available science when
17 designating and protecting critical areas, including fish and
18 wildlife areas, wetlands, and frequently flooded areas. The growth

1 management act also requires counties and cities to give special
2 consideration to conservation and protection measures necessary to
3 preserve or enhance anadromous fisheries. In addition, most
4 counties and cities must comply with the federal clean water
5 act. Many counties and cities must develop storm water management
6 plans and must require those developing property to use best
7 management practices to prevent storm water runoff. Counties and
8 cities must also comply with the state environmental policy
9 act. All counties and cities with threatened or endangered salmonid
10 species must avoid take through their development practices and
11 permitting activities, subject to enforcement by the federal
12 government or third-party lawsuits. Many counties and cities also
13 have in place flood hazard reduction programs, are engaged in
14 watershed planning, and are engaged in salmon recovery limiting
15 factors analysis.

16 It is the intent of this act to coordinate the planning process
17 of the growth management act, chapter 36.70A RCW, the critical
18 areas provision of the growth management act, RCW 36.70A.130, and
19 the shoreline management act, chapter 90.58 RCW. The planning
20 should be on the same schedule to fully integrate the statutory
21 requirements of each.

22 **Sec. 2.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to
23 read as follows:

24 (1) Local governments shall develop or amend, ((within twenty-
25 four months after)) pursuant to the adoption of guidelines as
26 provided in RCW 90.58.060, a master program for regulation of uses
27 of the shorelines of the state consistent with the required
28 elements of the guidelines adopted by the department.

29 (2) The department must consult with counties and cities and
30 develop a master program amendment schedule consistent with the
31 priority salmon recovery regions identified in the statewide
32 strategy to recover salmon and population growth data provided by
33 the office of financial management. Taking into account the amount
34 of funding provided by the legislature and the ability of the
35 department to timely review and approve the shoreline master
36 program amendments, the schedule may not require a county or city
37 to submit its amended master program to the department sooner than

1 thirty-six months or later than seventy-two months after that
2 county or city has received the full amount of funding needed to
3 amend its shoreline master program.

4 (3) The department, upon the request of a local government,
5 must grant an extension of no less than twelve months to the
6 deadlines established by the department under subsection (2) of
7 this section for amending the shoreline master program element of
8 comprehensive plans.

9 (4) Amendments to the guidelines adopted by the department
10 after January 1, 2000, do not apply to any:

11 (a) County or city with a shoreline master program and
12 comprehensive land use plan in place;

13 (b) County, or city within a county, that has seventy-five
14 percent or more of its land base in preservation, natural resource
15 use, or open space. (i) "Preservation" means land that is set aside
16 for national parks, national wildlife refuges, state parks, local
17 parks, conservation easements, natural resource conservation
18 areas, open space, or any similar status; (ii) "natural resource
19 use" means national forest land, state forest land, and
20 agricultural, forest, and mineral resource lands designated under
21 RCW 36.70A.170; and (iii) "open space" has the same definition as
22 in RCW 84.34.020; and

23 (c) Counties that border on another state of the United States.

24 (5) Counties or cities that are not required to amend an
25 existing master program to conform to shoreline master program
26 guidelines adopted by the department after January 1, 2000, must
27 either maintain and enforce a master program subject to the
28 previous guidelines or voluntarily amend their master program
29 subject to the amended guidelines.

30 **Sec. 3.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to
31 read as follows:

32 (1) Except as provided in subsection (5) of this section, each
33 comprehensive land use plan and development regulations shall be
34 subject to continuing review and evaluation by the county or city
35 that adopted them. Not later than September 1, 2002, and at least
36 every five years thereafter, a county or city shall take action to
37 review and, if needed, revise its comprehensive land use plan and

1 development regulations to ensure that the plan and regulations
2 are complying with the requirements of this chapter. The review and
3 evaluation required by this subsection may be combined with the
4 review required by subsection (3) of this section.

5 Any amendment or revision to a comprehensive land use plan
6 shall conform to this chapter, and any change to development
7 regulations shall be consistent with and implement the
8 comprehensive plan.

9 (2)(a) Each county and city shall establish and broadly
10 disseminate to the public a public participation program
11 identifying procedures whereby proposed amendments or revisions of
12 the comprehensive plan are considered by the governing body of the
13 county or city no more frequently than once every year except that
14 amendments may be considered more frequently under the following
15 circumstances:

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

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

19 (iii) The amendment of the capital facilities element of a
20 comprehensive plan that occurs concurrently with the adoption or
21 amendment of a county or city budget.

22 (b) Except as otherwise provided in (a) of this subsection, all
23 proposals shall be considered by the governing body concurrently
24 so the cumulative effect of the various proposals can be
25 ascertained. However, after appropriate public participation a
26 county or city may adopt amendments or revisions to its
27 comprehensive plan that conform with this chapter whenever an
28 emergency exists or to resolve an appeal of a comprehensive plan
29 filed with a growth management hearings board or with the court.

30 (3) Each county that designates urban growth areas under RCW
31 36.70A.110 shall review, at least every ten years, its designated
32 urban growth area or areas, and the densities permitted within
33 both the incorporated and unincorporated portions of each urban
34 growth area. In conjunction with this review by the county, each
35 city located within an urban growth area shall review the
36 densities permitted within its boundaries, and the extent to which
37 the urban growth occurring within the county has located within
38 each city and the unincorporated portions of the urban growth

1 areas. The county comprehensive plan designating urban growth
2 areas, and the densities permitted in the urban growth areas by
3 the comprehensive plans of the county and each city located within
4 the urban growth areas, shall be revised to accommodate the urban
5 growth projected to occur in the county for the succeeding twenty-
6 year period. The review required by this subsection may be combined
7 with the review and evaluation required by RCW 36.70A.215.

8 (4) It is the intent of this section to coordinate the planning
9 process of the growth management act, chapter 36.70A RCW, the
10 critical areas provision of the growth management act under this
11 section, and the shoreline management act, chapter 90.58 RCW. The
12 planning should be on the same schedule to fully integrate the
13 statutory requirements of each.

14 (5) Revisions of critical areas must be completed according to
15 the following schedule:

16 (a) Not later than September 1, 2004, and every ten years
17 thereafter, for each county and city that is subject to the
18 requirements of RCW 36.70A.215;

19 (b) Not later than September 1, 2006, and every ten years
20 thereafter, for each county and city that adopted a comprehensive
21 plan between January 1, 1992, and January 1, 1997, unless it is
22 subject to the requirements of RCW 36.70A.215;

23 (c) Not later than September 1, 2008, and every ten years
24 thereafter, for all other counties and cities, except that if a
25 county or city becomes required or chooses to plan under RCW
26 36.70A.040 after July 1, 2001, it must take action to formally
27 review and, if needed, revise its comprehensive plan and
28 development regulations no later than ten years after the due
29 dates required for its initial adoption of a comprehensive plan
30 and development regulations or, if it is subject to the
31 requirements of RCW 36.70A.215, consistent with the schedule in
32 (a) of this subsection.

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