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ENGROSSED SENATE BILL 6208

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State of Washington 57th Legislature 2001 Second Special Session

By Senator Snyder

READ FIRST TIME 06/15/2001. UNDER SUSPENSION OF THE RULES, PLACED ON SECOND READING CALENDAR.

1 AN ACT Relating to planning under the growth management act and the  
2 shoreline management act; amending RCW 36.70A.130, 90.58.060,  
3 90.58.080, 90.58.090, 36.70A.035, 36.70A.140, 90.58.250, 36.70A.290,  
4 36.70A.300, and 36.70A.215; adding new sections to chapter 90.58 RCW;  
5 adding new sections to chapter 36.70A RCW; adding a new section to  
6 chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding  
7 a new section to chapter 36.70 RCW; creating new sections; making  
8 appropriations; providing an expiration date; and declaring an  
9 emergency.

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

11 NEW SECTION. **Sec. 1.** The legislature recognizes that there are  
12 numerous regulations requiring local governments to protect the  
13 environment, and salmon in particular. The growth management act  
14 requires that county and city development regulations include best  
15 available science when designating and protecting critical areas,  
16 including fish and wildlife areas, wetlands, and frequently flooded  
17 areas. The growth management act also requires counties and cities to  
18 give special consideration to conservation and protection measures  
19 necessary to preserve or enhance anadromous fisheries. In addition,

1 most counties and cities must comply with the federal clean water act.  
2 Many counties and cities must develop storm water management plans and  
3 must require those developing property to use best management practices  
4 to prevent storm water runoff. Counties and cities must also comply  
5 with the state environmental policy act. Many counties and cities also  
6 have in place flood hazard reduction programs, are engaged in watershed  
7 planning, and are engaged in salmon recovery limiting factors analysis.

8 It is the intent of this act to coordinate the planning process of  
9 the growth management act, chapter 36.70A RCW, and the shoreline  
10 management act, chapter 90.58 RCW.

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

13 (1) It is the intent of this section to coordinate the planning  
14 process and timelines of the growth management act, chapter 36.70A RCW,  
15 and the shoreline management act, chapter 90.58 RCW. The legislature  
16 finds the planning under these chapters should be on the same schedule  
17 to fully integrate the statutory requirements of each. The legislature  
18 recognizes the significant time, effort, and expense for local  
19 governments and the department associated with the review and  
20 evaluation required by this section and recognizes a need to balance  
21 the importance of this review and evaluation with the associated time,  
22 efforts, and expense. Therefore, the legislature intends to establish  
23 a phased schedule for review and evaluation of comprehensive plans and  
24 development regulations under this chapter.

25 (2)(a) Each comprehensive land use plan and development regulations  
26 shall be subject to continuing review and evaluation by the county or  
27 city that adopted them. ((Not later than September 1, 2002, and at  
28 least every five years thereafter,)) A county or city planning under  
29 RCW 36.70A.040 shall take action to review and, if needed, revise its  
30 comprehensive land use plan and development regulations to ensure  
31 ((that)) the plan and regulations ((are complying)) comply with the  
32 requirements of this chapter according to the time periods specified in  
33 subsection (5) of this section. A county or city not planning under  
34 RCW 36.70A.040 shall take action to review and, if needed, revise its  
35 policies and development regulations regarding critical areas and  
36 natural resource lands adopted according to this chapter to ensure  
37 these policies and regulations comply with the requirements of this  
38 chapter according to the time periods specified in subsection (5) of

1 this section. The review and evaluation required by this subsection  
2 may be combined with the review required by subsection ~~((+3+))~~ (4) of  
3 this section.

4 (b) Any amendment of or revision to a comprehensive land use plan  
5 shall conform to this chapter~~((, and))~~. Any ~~((change))~~ amendment of or  
6 revision to development regulations shall be consistent with and  
7 implement the comprehensive plan.

8 ~~((+2+))~~ (3)(a) Each county and city shall establish and broadly  
9 disseminate to the public a public participation program identifying  
10 procedures whereby proposed amendments or revisions of the  
11 comprehensive plan are considered by the governing body of the county  
12 or city no more frequently than once every year ~~((except that))~~.  
13 Amendments may be considered more frequently than once per year under  
14 the following circumstances:

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

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

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

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

29 ~~((+3+))~~ (4) Each county that designates urban growth areas under  
30 RCW 36.70A.110 shall review, at least every ten years, its designated  
31 urban growth area or areas, and the densities permitted within both the  
32 incorporated and unincorporated portions of each urban growth area. In  
33 conjunction with this review by the county, each city located within an  
34 urban growth area shall review the densities permitted within its  
35 boundaries, and the extent to which the urban growth occurring within  
36 the county has located within each city and the unincorporated portions  
37 of the urban growth areas. The county comprehensive plan designating  
38 urban growth areas, and the densities permitted in the urban growth  
39 areas by the comprehensive plans of the county and each city located

1 within the urban growth areas, shall be revised to accommodate the  
2 urban growth projected to occur in the county for the succeeding  
3 twenty-year period. The review required by this subsection may be  
4 combined with the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

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

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

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

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

1       (7) A county or city subject to the time periods in subsection  
2 (5)(a) of this section that, pursuant to an ordinance adopted by the  
3 county or city establishing a schedule for periodic review of its  
4 comprehensive plan and development regulations, has conducted a review  
5 and evaluation of its comprehensive plan and development regulations  
6 and, on or after January 1, 2001, has taken action in response to that  
7 review and evaluation shall be deemed to have conducted the first  
8 review required by subsection (5)(a) of this section. Subsequent  
9 review and evaluation by the county or city of its comprehensive plan  
10 and development regulations shall be conducted in accordance with the  
11 time periods established under subsection (5)(a) of this section.

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

14       (1) The department shall periodically review and adopt guidelines  
15 consistent with RCW 90.58.020, containing the elements specified in RCW  
16 90.58.100 for:

17       (a) Development of master programs for regulation of the uses of  
18 shorelines; and

19       (b) Development of master programs for regulation of the uses of  
20 shorelines of statewide significance.

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

24       (a) The department shall mail copies of the proposal to all cities,  
25 counties, and federally recognized Indian tribes, and to any other  
26 person who has requested a copy, and shall publish the proposed  
27 guidelines in the Washington state register. Comments shall be  
28 submitted in writing to the department within sixty days from the date  
29 the proposal has been published in the register.

30       (b) The department shall hold at least four public hearings on the  
31 proposal in different locations throughout the state to provide a  
32 reasonable opportunity for residents in all parts of the state to  
33 present statements and views on the proposed guidelines. Notice of the  
34 hearings shall be published at least once in each of the three weeks  
35 immediately preceding the hearing in one or more newspapers of general  
36 circulation in each county of the state. If an amendment to the  
37 guidelines addresses an issue limited to one geographic area, the  
38 number and location of hearings may be adjusted consistent with the

1 intent of this subsection to assure all parties a reasonable  
2 opportunity to comment on the proposed amendment. The department shall  
3 accept written comments on the proposal during the sixty-day public  
4 comment period and for seven days after the final public hearing.

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

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

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

15 (1)(a) It is the intent of this section to coordinate the planning  
16 process and timelines of the growth management act, chapter 36.70A RCW,  
17 and the shoreline management act, chapter 90.58 RCW. The legislature  
18 finds the planning under these chapters should be on the same schedule  
19 to fully integrate the statutory requirements of each. The legislature  
20 recognizes a need to balance the importance of master program  
21 development or amendment with the associated time, effort, and expense  
22 of preparing, adopting, and implementing master programs. Therefore,  
23 the legislature intends to establish a phased schedule of master  
24 program development or amendment based on guidelines adopted according  
25 to RCW 90.58.060.

26 (b) It is also the intent of this section to provide a time period  
27 for review and consideration of the financial, environmental, economic,  
28 and other impacts of preparing, adopting, and implementing shoreline  
29 master programs according to guidelines adopted under this chapter.  
30 The legislature recognizes the significant time, effort, and expense  
31 for local governments and the department associated with master program  
32 development and the potential for substantial environmental and  
33 economic impacts associated with master program development or  
34 amendment. Therefore, the legislature intends, through its phased  
35 schedule, to provide for development or amendment of master programs by  
36 the larger counties and cities first so that:

37 (i) The experiences of these jurisdictions with implementing the  
38 requirements of this section shall be reviewed by the committee created

1 in section 5 of this act before the deadlines established for other  
2 jurisdictions;

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

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

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

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

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

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

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

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

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

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

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

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

11       (1) A shorelines oversight committee is hereby established. The  
12 committee shall consist of the following twelve members or their  
13 designees:

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

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

19       (2) The committee shall conduct a shoreline master program  
20 guidelines implementation assessment as provided in subsection (3) of  
21 this section, periodically review the information and findings from  
22 this assessment, consider whether any statutory or regulatory changes  
23 are needed or desirable based on the results of this assessment, and  
24 provide periodic reports on the assessment, including any legislative  
25 recommendations, as specified in subsection (4) of this section. At a  
26 minimum, the shoreline master program guidelines implementation  
27 assessment shall include review and study of and findings regarding:

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

30       (b) Actual immediate and ongoing effects to the larger  
31 jurisdictions in developing or amending master programs consistent with  
32 the guidelines, including but not limited to effects associated with  
33 planning, public review and comment, amendments, adoption, department  
34 review and approval, appeals, any required revisions, and  
35 implementation;

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



1 (d) Comparison of the effects of alternative approaches to  
2 guidelines implementation authorized by the guidelines;

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

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

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

15 (h) Actual immediate and ongoing effects for water quality, habitat  
16 protection, public access to the shorelines, and other shoreline values  
17 and qualities to businesses and property owners, local governments, and  
18 the general public from implementation of master programs developed or  
19 amended consistent with the guidelines;

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

22 (j) Any potential statutory or regulatory changes needed or  
23 desirable for facilitating development or amendment of master programs  
24 by other jurisdictions or for addressing concerns raised by the  
25 implementation of master programs developed or amended consistent with  
26 the guidelines in the larger jurisdictions; and

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

29 (3)(a) The committee shall contract for the assessment required by  
30 subsection (2) of this section. The committee shall select the  
31 contractor or contractors to perform the assessment. The contractor or  
32 contractors shall work with and provide periodic reports to the  
33 committee on the status of the assessment. At a minimum, the  
34 contractor or contractors shall present annual reports to the committee  
35 on or before November 1st of each year from 2001 through 2005.

36 (b) In developing the assessment, the contractor or contractors  
37 shall establish and work with an advisory committee or committees,  
38 including but not limited to representatives of the following: State  
39 agencies, local governments, businesses, environmental organizations,

1 agricultural organizations, residential construction and development  
2 organizations, the appropriate unions, commercial and recreational  
3 fishing organizations, tribes, recreation and public access  
4 organizations, and any other members as determined by the contractor or  
5 contractors.

6 (4) The committee shall commence July 1, 2001, and shall provide  
7 annual reports to the legislature on or before November 30th of each  
8 year between 2001 and 2005. The annual reports and the final report of  
9 the committee shall include any agreed upon recommendations for  
10 legislation made by the committee or other options discussed by the  
11 committee during the relevant time period. The committee shall expire  
12 June 30, 2006.

13 (5) The committee shall be cochaired by one state senator and one  
14 state representative chosen by the committee. Members of the committee  
15 shall be reimbursed for travel expenses as provided in RCW 44.04.120.  
16 The staff of senate committee services and the office of program  
17 research of the house of representatives shall staff the committee.  
18 The open public meetings act shall apply to all meetings and hearings  
19 of the committee. Rules of procedure shall be established at the first  
20 meeting of the committee.

21 (6) Based upon its experiences with the larger jurisdictions'  
22 implementation of master programs developed or amended consistent with  
23 the guidelines and in consideration of the committee's recommendations,  
24 the department shall submit to the legislature any proposed amendments  
25 to this chapter or to the guidelines before December 31, 2005. Any  
26 proposed amendments to the guidelines submitted to the legislature  
27 according to this subsection shall not take effect before the end of  
28 the regular legislative session. Based on the committee's final  
29 report, the department shall propose final guideline amendments  
30 developed through a negotiated rule making process and submit them to  
31 the legislature on or before December 31, 2005. During the regular  
32 legislative session following receipt of the committee's final report  
33 and the department's final proposed guideline amendments, the  
34 legislature shall consider modifying this chapter to sunset or amend  
35 the guidelines.

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

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

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

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

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

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

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

36 (e) If the department recommends changes to the proposed master  
37 program or amendment, within thirty days after the department mails the  
38 written findings and conclusions to the local government, the local  
39 government may:

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

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

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

17 (4) The department shall approve those segments of the master  
18 program relating to shorelines of statewide significance only after  
19 determining the program provides the optimum implementation of the  
20 policy of this chapter to satisfy the statewide interest. If the  
21 department does not approve a segment of a local government master  
22 program relating to a shoreline of statewide significance, the  
23 department may develop and by rule adopt an alternative to the local  
24 government's proposal.

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

30 (6) In the event a local government has not complied with the  
31 requirements of RCW 90.58.070 it may thereafter upon written notice to  
32 the department elect to adopt a master program for the shorelines  
33 within its jurisdiction, in which event it shall comply with the  
34 provisions established by this chapter for the adoption of a master  
35 program for such shorelines.

36 Upon approval of such master program by the department it shall  
37 supersede such master program as may have been adopted by the  
38 department for such shorelines.

1       (~~(6)~~) (7) A master program or amendment to a master program takes  
2 effect when and in such form as approved or adopted by the department.  
3 Shoreline master programs that were adopted by the department prior to  
4 July 22, 1995, in accordance with the provisions of this section then  
5 in effect, shall be deemed approved by the department in accordance  
6 with the provisions of this section that became effective on that date.  
7 The department shall maintain a record of each master program, the  
8 action taken on any proposal for adoption or amendment of the master  
9 program, and any appeal of the department's action. The department's  
10 approved document of record constitutes the official master program.

11       NEW SECTION.   **Sec. 7.** A new section is added to chapter 90.58 RCW  
12 to read as follows:

13       (1) The guidelines adopted by the department and master programs  
14 developed or amended by local governments according to RCW 90.58.080  
15 shall not require modification of or limit agricultural activities  
16 occurring on agricultural lands. In jurisdictions where agricultural  
17 activities occur, master programs developed or amended after the  
18 effective date of this act shall include provisions addressing new  
19 agricultural activities on land not meeting the definition of  
20 agricultural land, conversion of agricultural lands to other uses, and  
21 development not meeting the definition of agricultural activities.  
22 Nothing in this section limits or changes the terms of the current  
23 exception to the definition of substantial development in RCW  
24 90.58.030(3)(e)(iv).

25       (2) For the purposes of this section:

26       (a) "Agricultural activities" means agricultural uses and practices  
27 including, but not limited to: Producing, breeding, or increasing  
28 agricultural products; rotating and changing agricultural crops;  
29 allowing land used for agricultural activities to lie fallow in which  
30 it is plowed and tilled but left unseeded; allowing land used for  
31 agricultural activities to lie dormant as a result of adverse  
32 agricultural market conditions; allowing land used for agricultural  
33 activities to lie dormant because the land is enrolled in a local,  
34 state, or federal conservation program, or the land is subject to a  
35 conservation easement; conducting agricultural operations; maintaining,  
36 repairing, and replacing agricultural equipment; maintaining,  
37 repairing, and replacing agricultural facilities, provided that the  
38 replacement facility is no closer to the shoreline than the original

1 facility; and maintaining agricultural lands under production or  
2 cultivation;

3 (b) "Agricultural products" includes but is not limited to  
4 horticultural, viticultural, floricultural, vegetable, fruit, berry,  
5 grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or  
6 forage for livestock; Christmas trees; hybrid cottonwood and similar  
7 hardwood trees grown as crops and harvested within twenty years of  
8 planting; and livestock including both the animals themselves and  
9 animal products including but not limited to meat, upland finfish,  
10 poultry and poultry products, and dairy products;

11 (c) "Agricultural equipment" and "agricultural facilities"  
12 includes, but is not limited to: (i) The following used in  
13 agricultural operations: Equipment; machinery; constructed shelters,  
14 buildings, and ponds; fences; upland finfish rearing facilities; water  
15 diversion, withdrawal, conveyance, and use equipment and facilities  
16 including but not limited to pumps, pipes, tapes, canals, ditches, and  
17 drains; (ii) corridors and facilities for transporting personnel,  
18 livestock, and equipment to, from, and within agricultural lands; (iii)  
19 farm residences and associated equipment, lands, and facilities; and  
20 (iv) roadside stands and on-farm markets for marketing fruit or  
21 vegetables; and

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

24 (3) The department and local governments shall assure that local  
25 shoreline master programs use definitions consistent with the  
26 definitions in this section.

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

29 (1) The public participation requirements of this chapter shall  
30 include notice procedures that are reasonably calculated to provide  
31 notice to property owners and other affected and interested  
32 individuals, tribes, government agencies, businesses, school districts,  
33 and organizations of proposed amendments to comprehensive plans and  
34 development regulations. Examples of reasonable notice provisions  
35 include:

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

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

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

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

8 (e) Publishing notice in agency newsletters or sending notice to  
9 agency mailing lists, including general lists or lists for specific  
10 proposals or subject areas.

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

15 (3)(a) Except as otherwise provided in (b) of this subsection, if  
16 the legislative body for a county or city chooses to consider a change  
17 to an amendment to a comprehensive plan or development regulation, and  
18 the change is proposed after the opportunity for review and comment has  
19 passed under the county's or city's procedures, an opportunity for  
20 review and comment on the proposed change shall be provided before the  
21 local legislative body votes on the proposed change.

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

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

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

30 (iii) The proposed change only corrects typographical errors,  
31 corrects cross-references, makes address or name changes, or clarifies  
32 language of a proposed ordinance or resolution without changing its  
33 effect;

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

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

1       (~~(3)~~) (4) This section is prospective in effect and does not  
2 apply to a comprehensive plan, development regulation, or amendment  
3 adopted before July 27, 1997.

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

6       (1) At least two years before the deadline specified for the county  
7 or city in RCW 36.70A.130, each county and city planning under RCW  
8 36.70A.040 shall establish by ordinance or resolution an integrated and  
9 consolidated planning process for the development and adoption of  
10 comprehensive plans and development regulations under this chapter and  
11 shoreline master programs under chapter 90.58 RCW. Counties and cities  
12 not planning under RCW 36.70A.040 may adopt an integrated and  
13 consolidated planning process consistent with this section for review,  
14 revision, development, amendment, or adoption of development  
15 regulations regarding critical areas and natural resource lands  
16 according to this chapter and master programs according to chapter  
17 90.58 RCW.

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

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

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

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

25       (d) Opportunity for review and consideration of comment from  
26 agencies and other interested parties as required by this chapter and  
27 chapter 90.58 RCW;

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

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

35       (g) Consolidation of amendment and adoption procedures and  
36 processes to satisfy the requirements of this chapter and chapter 90.58  
37 RCW; and



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

3 (3) The integration and coordination of planning processes under  
4 this chapter and chapter 90.58 RCW does not alter the department's  
5 authority to review comprehensive plans and development regulations  
6 adopted under this chapter and does not create any authority for the  
7 department of ecology to review or approve comprehensive plans and  
8 development regulations adopted according to this chapter.

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

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

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

16 (1) Each county and city (~~((that is required or chooses to plan))~~)  
17 planning under RCW 36.70A.040 shall establish and broadly disseminate  
18 to the public a public participation program identifying procedures  
19 providing for early and continuous public participation in the review,  
20 revision, development (~~((and))~~), amendment, or adoption of comprehensive  
21 land use plans and development regulations implementing such plans  
22 under this chapter and master programs under chapter 90.58 RCW.

23 (2) The procedures shall provide for broad dissemination of  
24 proposals and alternatives, opportunity for written comments, public  
25 meetings after effective notice, provision for open discussion,  
26 communication programs, information services, and consideration of and  
27 response to public comments.

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

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

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

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

8       (1) At least two years before the deadline specified for the local  
9 government in RCW 36.70A.130, each local government planning under RCW  
10 36.70A.040 shall establish by ordinance or resolution an integrated and  
11 consolidated planning process for the review, revision, development,  
12 amendment, or adoption of comprehensive plans and development  
13 regulations under chapter 36.70A RCW and shoreline master programs  
14 under this chapter. Local governments not planning under RCW  
15 36.70A.040 may adopt an integrated and consolidated planning process  
16 consistent with this section for review, revision, development,  
17 amendment, or adoption of development regulations regarding critical  
18 areas and natural resource lands according to chapter 36.70A RCW and  
19 master programs according to this chapter.

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

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

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

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

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

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

32       (f) Timing of submittal of master program elements to the  
33 department to allow sufficient time for review and approval by the  
34 department and to coordinate master program review and approval with  
35 the schedule for review, revision, and adoption of comprehensive plans  
36 and development regulations specified in RCW 36.70A.130;

1 (g) Consolidation of amendment and adoption procedures and  
2 processes to satisfy the requirements of chapter 36.70A RCW and this  
3 chapter; and

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

6 (3) The integration and coordination of planning processes under  
7 this chapter and chapter 36.70A RCW does not alter the department's  
8 authority to review and approve master programs developed or amended  
9 under this chapter and does not create any authority for the department  
10 to review or approve comprehensive plans and development regulations  
11 adopted according to chapter 36.70A RCW.

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

14 If a county's or city's critical areas regulations are the subject  
15 of an appeal to the board, the department of ecology's determination  
16 regarding the county's or city's shoreline master program compliance  
17 with chapter 90.58 RCW does not modify the presumption of validity  
18 established by RCW 36.70A.320(1) or the burden of persuasion  
19 established by RCW 36.70A.320(2) with respect to the question of  
20 whether the critical areas regulations under appeal comply with the  
21 requirements of this chapter for those areas not subject to the  
22 shoreline management act.

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

25 The department is directed to cooperate fully with local  
26 governments in discharging their responsibilities under this chapter.  
27 Funds shall be available for distribution to local governments on the  
28 basis of applications for preparation of master programs. Such  
29 applications shall be submitted in accordance with regulations  
30 developed by the department. The department is authorized to make and  
31 administer grants within appropriations authorized by the legislature  
32 to any local government within the state for the purpose of developing  
33 a master ((~~shorelines~~)) program.

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

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

3       (1) All requests for review to a growth management hearings board  
4 shall be initiated by filing a petition that includes a detailed  
5 statement of issues presented for resolution by the board. The board  
6 shall render written decisions articulating the basis for its holdings.  
7 The board shall not issue advisory opinions on issues not presented to  
8 the board in the statement of issues, as modified by any prehearing  
9 order.

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

15       (a) Except as provided in (c) of this subsection, the date of  
16 publication for a city shall be the date the city publishes the  
17 ordinance, or summary of the ordinance, adopting the comprehensive plan  
18 or development regulations, or amendment thereto, as is required to be  
19 published.

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

23       Except as provided in (c) of this subsection, for purposes of this  
24 section the date of publication for a county shall be the date the  
25 county publishes the notice that it has adopted the comprehensive plan  
26 or development regulations, or amendment thereto.

27       (c) For local governments planning under RCW 36.70A.040, promptly  
28 after approval or disapproval of a local government s shoreline master  
29 program or amendment thereto by the department of ecology as provided  
30 in RCW 90.58.090, the local government shall publish a notice that the  
31 shoreline master program or amendment thereto has been approved or  
32 disapproved by the department of ecology. For purposes of this  
33 section, the date of publication for the adoption or amendment of a  
34 shoreline master program is the date the local government publishes  
35 notice that the shoreline master program or amendment thereto has been  
36 approved or disapproved by the department of ecology.

37       (3)(a) Unless the board dismisses the petition as frivolous or  
38 finds that the person filing the petition lacks standing, or the  
39 parties have filed an agreement to have the case heard in superior

1 court as provided in RCW 36.70A.295, the board shall, within ten days  
2 of receipt of the petition, set a time for hearing the matter.

3 (b) If a county or city planning under RCW 36.70A.040 develops or  
4 amends a shoreline master program according to chapter 90.58 RCW  
5 concurrent with the adoption or amendment of a comprehensive plan or  
6 development regulations according to this chapter, the county or city  
7 shall notify the board of the concurrent adoption no later than ten  
8 days after receipt of notice of the hearing date being set by the  
9 board.

10 (c) If the board receives a notice of concurrent adoption from a  
11 county or city planning under RCW 36.70A.040, and unless the parties  
12 otherwise agree in writing, the board shall stay proceedings regarding  
13 the petition until the end of the appeal period for the shoreline  
14 master program or master program amendment under chapter 90.58 RCW.  
15 The board shall set a time for hearing of the matter within ten days of  
16 the end of the stay period. The board shall not stay the proceedings  
17 if all parties agree in writing within twenty days after the county's  
18 or city's notice of concurrent adoption to a hearing on the petition  
19 separately from any appeal of the shoreline master program or master  
20 program amendment.

21 (4) The board shall base its decision on the record developed by  
22 the city, county, or the state and supplemented with additional  
23 evidence if the board determines that such additional evidence would be  
24 necessary or of substantial assistance to the board in reaching its  
25 decision.

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

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

31 (1) The board shall issue a final order that shall be based  
32 exclusively on whether or not a state agency, county, or city is in  
33 compliance with the requirements of this chapter, chapter 90.58 RCW as  
34 it relates to adoption or amendment of shoreline master programs, or  
35 chapter 43.21C RCW as it relates to adoption of plans, development  
36 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
37 90.58 RCW.

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

6 (b) The board may extend the period of time for issuing a decision  
7 to enable the parties to settle the dispute if additional time is  
8 necessary to achieve a settlement, and (i) an extension is requested by  
9 all parties, or (ii) an extension is requested by the petitioner and  
10 respondent and the board determines that a negotiated settlement  
11 between the remaining parties could resolve significant issues in  
12 dispute. The request must be filed with the board not later than seven  
13 days before the date scheduled for the hearing on the merits of the  
14 petition. The board may authorize one or more extensions for up to  
15 ninety days each, subject to the requirements of this section.

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

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

23 (a) Find that the state agency, county, or city is in compliance  
24 with the requirements of this chapter, chapter 90.58 RCW as it relates  
25 to the adoption or amendment of shoreline master programs, or chapter  
26 43.21C RCW as it relates to adoption of plans, development regulations,  
27 and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

28 (b) Find that the state agency, county, or city is not in  
29 compliance with the requirements of this chapter, chapter 90.58 RCW as  
30 it relates to the adoption or amendment of shoreline master programs,  
31 or chapter 43.21C RCW as it relates to adoption of plans, development  
32 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
33 90.58 RCW, in which case the board shall remand the matter to the  
34 affected state agency, county, or city. The board shall specify a  
35 reasonable time not in excess of one hundred eighty days, or such  
36 longer period as determined by the board in cases of unusual scope or  
37 complexity, within which the state agency, county, or city shall comply  
38 with the requirements of this chapter. The board may require periodic

1 reports to the board on the progress the jurisdiction is making towards  
2 compliance.

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

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

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

12 To encourage efficient and effective planning and implementation,  
13 cities not planning under RCW 36.70A.040 may adopt shoreline master  
14 programs or master program amendments under chapter 90.58 RCW  
15 concurrently with policies and regulations adopted under chapter 36.70A  
16 RCW or plans and regulations adopted under this chapter.

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

19 To encourage efficient and effective planning and implementation,  
20 cities not planning under RCW 36.70A.040 may adopt shoreline master  
21 programs or master program amendments under chapter 90.58 RCW  
22 concurrently with policies and regulations adopted under chapter 36.70A  
23 RCW or plans and regulations adopted under this chapter.

24 NEW SECTION. Sec. 19. A new section is added to chapter 36.70 RCW  
25 to read as follows:

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

31 NEW SECTION. Sec. 20. A new section is added to chapter 36.70A  
32 RCW to read as follows:

33 To encourage efficient and effective planning and implementation,  
34 counties and cities may adopt shoreline master programs or master  
35 program amendments under chapter 90.58 RCW concurrently with

1 comprehensive plans and development regulations adopted under this  
2 chapter.

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

5 To encourage efficient and effective planning and implementation,  
6 local governments may adopt shoreline master programs or master program  
7 amendments under this chapter concurrently with comprehensive plans,  
8 policies, and regulations adopted under chapter 35.63, 35A.63, 36.70,  
9 or 36.70A RCW.

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

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

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

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

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

34 (2) The review and evaluation program shall:

35 (a) Encompass land uses and activities both within and outside of  
36 urban growth areas and provide for annual collection of data on urban  
37 and rural land uses, development, critical areas, and capital



1 facilities to the extent necessary to determine the quantity and type  
2 of land suitable for development, both for residential and employment-  
3 based activities;

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

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

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

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

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

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

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

36 (d) Determine the acreage and qualitative change in the quantity or  
37 density of land suitable for development within the designated urban  
38 growth area that has occurred as a result of designating land within  
39 the urban growth area as critical areas after January 1, 2001, or based

1 on any other amendment to a comprehensive plan or development  
2 regulation adopted after January 1, 2001, that after taking into  
3 account new land made available for development or increases in  
4 authorized densities, effectively changes any land development  
5 potential within the designated urban growth area;

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

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

10 (ii) Within the time periods specified in RCW 36.70A.130, review  
11 the docketed amount and consider changes to the countywide planning  
12 policies, comprehensive plan or development regulations, including  
13 density determinations, urban growth area designations, or other  
14 changes, to address the quantity of sufficient land suitable for  
15 development within designated urban growth areas at densities  
16 sufficient to accommodate the growth management population projections  
17 established pursuant to RCW 36.70A.110(2); and

18 (f) Based upon the needed development capacity, as determined  
19 pursuant to this subsection (3), the jurisdiction shall make every  
20 effort to:

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

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

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

27 (4) If the evaluation required by subsection (3) of this section  
28 demonstrates an inconsistency between what has occurred since the  
29 adoption of the countywide planning policies and the county and city  
30 comprehensive plans and development regulations and what was envisioned  
31 in those policies and plans and the planning goals and the requirements  
32 of this chapter, as the inconsistency relates to the evaluation factors  
33 specified in subsection (3) of this section, the county and its cities  
34 shall adopt and implement measures that are reasonably likely to  
35 increase consistency during the subsequent five-year period. If  
36 necessary, a county, in consultation with its cities as required by RCW  
37 36.70A.210, shall adopt amendments to countywide planning policies to  
38 increase consistency. The county and its cities shall annually monitor

1 the measures adopted under this subsection to determine their effect  
2 and may revise or rescind them as appropriate.

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

9 (b) By December 31, 2007, the department shall submit to the  
10 appropriate committees of the legislature a report analyzing the  
11 effectiveness of the activities described in this section in achieving  
12 the goals envisioned by the countywide planning policies and the  
13 comprehensive plans and development regulations of the counties and  
14 cities.

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

19 (7) The provisions of this section shall apply to counties, and the  
20 cities within those counties, that were greater than one hundred fifty  
21 thousand in population in 1995 as determined by office of financial  
22 management population estimates and that are located west of the crest  
23 of the Cascade mountain range. Any other county planning under RCW  
24 36.70A.040 may carry out the review, evaluation, and amendment programs  
25 and procedures as provided in this section.

26 (8) For the purposes of this section, "land capacity docket" means  
27 to compile and maintain a detailed list of land and land use changes  
28 resulting from the actions specified in subsection (3)(d) of this  
29 section in a manner that will ensure that such changes will be  
30 presented for the required periodic action specified in subsection  
31 (3)(e)(ii) of this section and will be available for review by the  
32 public.

33 NEW SECTION. Sec. 23. In revising provisions of chapter 90.58 RCW  
34 and including new provisions in chapter 90.58 RCW, the legislature does  
35 not intend to imply legislative approval or disapproval of any  
36 administrative actions taken or guidelines adopted by the department of  
37 ecology under chapter 90.58 RCW.

1        NEW SECTION.    **Sec. 24.**    Section 5 of this act expires August 1,  
2    2006.

3        NEW SECTION.    **Sec. 25.**    If any provision of this act or its  
4    application to any person or circumstance is held invalid, the  
5    remainder of the act or the application of the provision to other  
6    persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 26.**    (1)(a) The sum of three million five  
8    hundred thousand dollars for fiscal year 2002 is appropriated from the  
9    general fund to the department of ecology to implement this act. Of  
10   the amount in this subsection, three million two hundred thousand  
11   dollars is provided solely for grants to local governments to update  
12   shoreline master programs according to section 4 of this act, and three  
13   hundred thousand dollars is provided solely for technical assistance  
14   and the shoreline oversight committee contractor in section 5 of this  
15   act.

16        (b) The sum of three million five hundred thousand dollars for  
17   fiscal year 2003 is appropriated from the general fund to the  
18   department of ecology to implement this act. Of the amount in this  
19   subsection, three million two hundred thousand dollars is provided  
20   solely for grants to local governments to update shoreline master  
21   programs according to section 4 of this act, and three hundred thousand  
22   dollars is provided solely for technical assistance and the shoreline  
23   oversight committee contractor in section 5 of this act.

24        (2)(a) The sum of one million five hundred thousand dollars for  
25   fiscal year 2002 is appropriated from the general fund to the  
26   department of community, trade, and economic development to implement  
27   this act. The entire appropriation in this subsection is provided  
28   solely for grants to local governments to implement section 2 of this  
29   act.

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

35        NEW SECTION.    **Sec. 27.**    This act is necessary for the immediate  
36   preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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