

---

SENATE BILL 5619

---

State of Washington

59th Legislature

2005 Regular Session

By Senators Kline, Pridemore, Kastama, Poulsen, Rockefeller, Fairley, Fraser and Kohl-Welles

Read first time 01/31/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to considering water quality when preparing and  
2 reviewing growth management plans and regulations; adding a new section  
3 to chapter 36.70A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington's  
6 marine waters are at significant risk.

7 (2) As one example the legislature recognizes Hood Canal is a  
8 marine water of the state exhibiting water quality problems that create  
9 significant environmental concerns. The legislature finds:

10 (a) Hood Canal has a dead zone related to low-dissolved oxygen  
11 concentrations, a condition that has recurred for many years;

12 (b) The May 2004 *Preliminary Assessment and Corrective Action Plan*  
13 published by the state Puget Sound action team and the Hood Canal  
14 coordinating council clearly documents that the low-dissolved oxygen  
15 concentrations in Hood Canal result from nitrogen loading in the water  
16 and that failing onsite sewage systems and storm water runoff are the  
17 largest nitrogen contributors in the Hood Canal dead zone; and

18 (c) The *Preliminary Assessment and Corrective Action Plan* includes  
19 recommendations to address Hood Canal's problems, including education,

1 training, incentives, and requirements for protecting and restoring  
2 buffers along Hood Canal streams and shorelines, and use of low-impact  
3 development techniques.

4 (3) The legislature also finds the Hood Canal dead zone is not an  
5 isolated problem. The legislature recognizes that the United States  
6 commission on ocean policy's September 2004 report, *An Ocean Blueprint*  
7 *for the 21st Century*, documents that these problems affect Washington's  
8 sounds, coasts, and oceans. The legislature also recognizes this  
9 report documents that adverse coastal impacts occur not only from uses  
10 of coastal areas but also from uses occurring a considerable distance  
11 from the ocean. The legislature further recognizes this report  
12 includes recommendations regarding clear goals for marine areas, better  
13 coordination, clarification of laws, adaptive management, and improved  
14 coastal and ocean resources protection.

15 (4) The legislature finds that, while substantial progress has been  
16 made in protecting Washington's environment, more is now known about  
17 the significant effects of development along the state's shorelines.  
18 The legislature intends to provide the tools necessary to address the  
19 evolving understanding of measures needed to maintain and, when  
20 required, enhance water quality for Washington's marine shorelines  
21 while accommodating appropriate development consistent with city and  
22 county comprehensive plans.

23 (5) The legislature recognizes the state's growth management act  
24 includes a goal and general requirements to protect water quality as  
25 well as the state's surface and ground waters, including Puget Sound.  
26 The legislature also recognizes these provisions are codified at RCW  
27 36.70A.020(10), 36.70A.030(14)(g), and 36.70A.070 (1) and (5)(c)(iv).  
28 The legislature further recognizes the growth management act defines  
29 this goal and these requirements and gives additional guidance for  
30 local governments and the public while allowing for local choices and  
31 solutions. The legislature finds the approach taken in the growth  
32 management act will protect our marine waters and assist counties,  
33 cities, and the public. The legislature therefore intends that the  
34 provisions of this act be implemented by counties and cities according  
35 to the schedule specified in RCW 36.70A.130.

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

1 (1) Cities and counties shall consider the following when preparing  
2 comprehensive plans and development regulations according to this  
3 chapter and when reviewing comprehensive plans and development  
4 regulations according to RCW 36.70A.130:

5 (a) Measures to maintain or improve water quality and habitat.  
6 These measures may include but are not limited to provisions of plans  
7 and programs adopted according to chapters 77.85, 89.08, 90.48, 90.54,  
8 90.56, 90.58, 90.64, 90.71, 90.72, 90.74, 90.76, 90.82, and 90.84 RCW;

9 (b) Effects of proposed land use patterns on basic hydrologic  
10 functions and on surface and ground water quality, including downstream  
11 water bodies;

12 (c) Land use measures to maintain and, when required, enhance  
13 existing hydrologic functions, considering the entire river or stream  
14 basin, and to maintain surface and ground water quality, surface water  
15 quantity, and ground waters used for potable water or irrigation; and

16 (d) Measures to maintain and, when required, enhance existing  
17 hydrologic functions, including consideration of predevelopment peak  
18 flows and summer and fall surface and ground water flows.

19 (2) When designating and protecting critical areas according to  
20 this chapter, counties and cities shall consider measures to maintain  
21 water quality at a level allowing water bodies to support desirable and  
22 feasible existing and future uses.

23 (3) Counties and cities may not designate urban growth areas on  
24 marine shorelines not already occupied by urban growth unless the  
25 designation is necessary for water-dependent or water-related uses.

26 (4) Counties and cities shall implement the requirements of this  
27 section according to the schedule specified in RCW 36.70A.130.

28 (5) The requirements of this section apply to counties whose  
29 territory includes Hood Canal, Puget Sound, the Strait of Juan de Fuca,  
30 or the Pacific Ocean and to the cities and towns in those counties.

31 (6) Nothing in this section is intended to affect the requirements  
32 or provisions of the state's water pollution control laws, chapter  
33 90.48 RCW, or the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

--- END ---