
SUBSTITUTE SENATE BILL 5755

State of Washington 65th Legislature 2017 Regular Session

By Senate Local Government (originally sponsored by Senator Short)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to simplifying the population growth criteria for
2 planning required by the growth management act; amending RCW
3 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.130, 36.70A.280,
4 36.70A.280, 36.70A.310, 36.70A.480, and 36.70A.735; providing an
5 effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to
8 read as follows:

9 (1) Each county that has both a population of ~~((fifty))~~ eighty
10 thousand or more and ~~((, until May 16, 1995, has had its population~~
11 ~~increase by more than ten percent in the previous ten years or, on or~~
12 ~~after May 16, 1995,))~~ has had its population increase by more than
13 ~~((seventeen))~~ twenty percent in the previous ten years, and the
14 cities located within such county ~~((, and any other county regardless~~
15 ~~of its population))~~ with a population of at least thirty thousand
16 that has had its population increase by more than twenty percent in
17 the previous ten years, ~~((and the cities located within such~~
18 ~~county,))~~ shall conform with all of the requirements of this chapter.
19 ~~((However, the county legislative authority of such a county with a~~
20 ~~population of less than fifty thousand population may adopt a~~
21 ~~resolution removing the county, and the cities located within the~~

1 county, from the requirements of adopting comprehensive land use
2 plans and development regulations under this chapter if this
3 resolution is adopted and filed with the department by December 31,
4 1990, for counties initially meeting this set of criteria, or within
5 sixty days of the date the office of financial management certifies
6 that a county meets this set of criteria under subsection (5) of this
7 section.) For the purposes of this subsection, a county not
8 currently planning under this chapter is not required to include in
9 its population count those persons confined in a correctional
10 facility under the jurisdiction of the department of corrections that
11 is located in the county.

12 ((Once a county meets either of these sets of criteria, the
13 requirement to conform with all of the requirements of this chapter
14 remains in effect, even if the county no longer meets one of these
15 sets of criteria.

16 (2)(a) The county legislative authority of any county that does
17 not meet either of the sets of criteria established under subsection
18 (1) of this section may adopt a resolution indicating its intention
19 to have subsection (1) of this section apply to the county. Each
20 city, located in a county that chooses to plan under this subsection,
21 shall conform with all of the requirements of this chapter. Once such
22 a resolution has been adopted, the county and the cities located
23 within the county remain subject to all of the requirements of this
24 chapter, unless the county subsequently adopts a withdrawal
25 resolution for partial planning pursuant to (b)(i) of this
26 subsection.

27 (b)(i) Until December 31, 2015, the legislative authority of a
28 county may adopt a resolution removing the county and the cities
29 located within the county from the requirements to plan under this
30 section if:

31 (A) The county has a population, as estimated by the office of
32 financial management, of twenty thousand or fewer inhabitants at any
33 time between April 1, 2010, and April 1, 2015;

34 (B) The county has previously adopted a resolution indicating its
35 intention to have subsection (1) of this section apply to the county;

36 (C) At least sixty days prior to adopting a resolution for
37 partial planning, the county provides written notification to the
38 legislative body of each city within the county of its intent to
39 consider adopting the resolution; and

1 ~~(D) The legislative bodies of at least sixty percent of those~~
2 ~~cities having an aggregate population of at least seventy-five~~
3 ~~percent of the incorporated county population have not: Adopted~~
4 ~~resolutions opposing the action by the county; and provided written~~
5 ~~notification of the resolutions to the county.~~

6 ~~(ii) Upon adoption of a resolution for partial planning under~~
7 ~~(b)(i) of this subsection:~~

8 ~~(A) The county and the cities within the county are, except as~~
9 ~~provided otherwise, no longer obligated to plan under this section;~~
10 ~~and~~

11 ~~(B) The county may not, for a minimum of ten years from the date~~
12 ~~of adoption of the resolution, adopt another resolution indicating~~
13 ~~its intention to have subsection (1) of this section apply to the~~
14 ~~county.~~

15 ~~(c) The adoption of a resolution for partial planning under~~
16 ~~(b)(i) of this subsection does not nullify or otherwise modify the~~
17 ~~requirements for counties and cities established in RCW 36.70A.060,~~
18 ~~36.70A.070(5) and associated development regulations, 36.70A.170, and~~
19 ~~36.70A.172.~~

20 ~~(3) Any county or city that is initially required to conform with~~
21 ~~all of the requirements of this chapter under subsection (1) of this~~
22 ~~section shall take actions under this chapter as follows: (a) The~~
23 ~~county legislative authority shall adopt a countywide planning policy~~
24 ~~under RCW 36.70A.210; (b) the county and each city located within the~~
25 ~~county shall designate critical areas, agricultural lands,~~
26 ~~forestlands, and mineral resource lands, and adopt development~~
27 ~~regulations conserving these designated agricultural lands,~~
28 ~~forestlands, and mineral resource lands and protecting these~~
29 ~~designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)~~
30 ~~the county shall designate and take other actions related to urban~~
31 ~~growth areas under RCW 36.70A.110; [and] (d) if the county has a~~
32 ~~population of fifty thousand or more, the county and each city~~
33 ~~located within the county shall adopt a comprehensive plan under this~~
34 ~~chapter and development regulations that are consistent with and~~
35 ~~implement the comprehensive plan on or before July 1, 1994, and if~~
36 ~~the county has a population of less than fifty thousand, the county~~
37 ~~and each city located within the county shall adopt a comprehensive~~
38 ~~plan under this chapter and development regulations that are~~
39 ~~consistent with and implement the comprehensive plan by January 1,~~
40 ~~1995, but if the governor makes written findings that a county with a~~

1 population of less than fifty thousand or a city located within such
2 a county is not making reasonable progress toward adopting a
3 comprehensive plan and development regulations the governor may
4 reduce this deadline for such actions to be taken by no more than one
5 hundred eighty days. Any county or city subject to this subsection
6 may obtain an additional six months before it is required to have
7 adopted its development regulations by submitting a letter notifying
8 the department of its need prior to the deadline for adopting both a
9 comprehensive plan and development regulations.

10 (4) Any county or city that is required to conform with all the
11 requirements of this chapter, as a result of the county legislative
12 authority adopting its resolution of intention under subsection (2)
13 of this section, shall take actions under this chapter as follows:

14 (a) The county legislative authority shall adopt a county-wide
15 planning policy under RCW 36.70A.210; (b) the county and each city
16 that is located within the county shall adopt development regulations
17 conserving agricultural lands, forestlands, and mineral resource
18 lands it designated under RCW 36.70A.060 within one year of the date
19 the county legislative authority adopts its resolution of intention;
20 (c) the county shall designate and take other actions related to
21 urban growth areas under RCW 36.70A.110; and (d) the county and each
22 city that is located within the county shall adopt a comprehensive
23 plan and development regulations that are consistent with and
24 implement the comprehensive plan not later than four years from the
25 date the county legislative authority adopts its resolution of
26 intention, but a county or city may obtain an additional six months
27 before it is required to have adopted its development regulations by
28 submitting a letter notifying the department of its need prior to the
29 deadline for adopting both a comprehensive plan and development
30 regulations.

31 (5)) (2) If the office of financial management certifies that
32 the population of a county ((that previously had not been required to
33 plan under subsection (1) or (2) of this section has changed
34 sufficiently to meet either of the sets of criteria specified under
35 subsection (1) of this section, and where applicable, the county
36 legislative authority has not adopted a resolution removing the
37 county from these requirements as provided in subsection (1) of this
38 section, the county and each city within such county shall take
39 actions under this chapter as follows)) is eighty thousand or more:

40 (a) The county legislative authority shall adopt a countywide

1 planning policy under RCW 36.70A.210; (b) the county and each city
2 located within the county shall adopt development regulations under
3 RCW 36.70A.060 conserving agricultural lands, forestlands, and
4 mineral resource lands it designated within one year of the
5 certification by the office of financial management; (c) the county
6 shall designate and take other actions related to urban growth areas
7 under RCW 36.70A.110; and (d) the county and each city located within
8 the county shall adopt a comprehensive land use plan and development
9 regulations that are consistent with and implement the comprehensive
10 plan within four years of the certification by the office of
11 financial management, but a county or city may obtain an additional
12 six months before it is required to have adopted its development
13 regulations by submitting a letter notifying the department of its
14 need prior to the deadline for adopting both a comprehensive plan and
15 development regulations.

16 ~~((+6))~~ (3) A copy of each document that is required under this
17 section shall be submitted to the department at the time of its
18 adoption.

19 ~~((+7))~~ (4) Cities and counties planning under this chapter must
20 amend the transportation element of the comprehensive plan to be in
21 compliance with this chapter and chapter 47.80 RCW (~~no later than~~
22 ~~December 31, 2000~~)).

23 **Sec. 2.** RCW 36.70A.060 and 2014 c 147 s 2 are each amended to
24 read as follows:

25 (1)(a) Each county that is required (~~or chooses to plan~~) under
26 RCW 36.70A.040, and each city within such county, shall adopt
27 development regulations on or before September 1, 1991, to assure the
28 conservation of agricultural, forest, and mineral resource lands
29 designated under RCW 36.70A.170. Regulations adopted under this
30 subsection may not prohibit uses legally existing on any parcel prior
31 to their adoption and shall remain in effect until the county or city
32 adopts development regulations pursuant to RCW 36.70A.040. Such
33 regulations shall assure that the use of lands adjacent to
34 agricultural, forest, or mineral resource lands shall not interfere
35 with the continued use, in the accustomed manner and in accordance
36 with best management practices, of these designated lands for the
37 production of food, agricultural products, or timber, or for the
38 extraction of minerals.

1 (b) Counties and cities shall require that all plats, short
2 plats, development permits, and building permits issued for
3 development activities on, or within five hundred feet of, lands
4 designated as agricultural lands, forestlands, or mineral resource
5 lands, contain a notice that the subject property is within or near
6 designated agricultural lands, forestlands, or mineral resource lands
7 on which a variety of commercial activities may occur that are not
8 compatible with residential development for certain periods of
9 limited duration. The notice for mineral resource lands shall also
10 inform that an application might be made for mining-related
11 activities, including mining, extraction, washing, crushing,
12 stockpiling, blasting, transporting, and recycling of minerals.

13 ~~((c) Each county that adopts a resolution of partial planning
14 under RCW 36.70A.040(2)(b), and each city within such county, shall
15 adopt development regulations within one year after the adoption of
16 the resolution of partial planning to assure the conservation of
17 agricultural, forest, and mineral resource lands designated under RCW
18 36.70A.170. Regulations adopted under this subsection (1)(c) must
19 comply with the requirements governing regulations adopted under (a)
20 of this subsection.~~

21 ~~(d)(i) A county that adopts a resolution of partial planning
22 under RCW 36.70A.040(2)(b) and that is not in compliance with the
23 planning requirements of this section, RCW 36.70A.040(4),
24 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
25 is adopted must, by January 30, 2017, apply for a determination of
26 compliance from the department finding that the county's development
27 regulations, including development regulations adopted to protect
28 critical areas, and comprehensive plans are in compliance with the
29 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
30 36.70A.170, and 36.70A.172. The department must approve or deny the
31 application for a determination of compliance within one hundred
32 twenty days of its receipt or by June 30, 2017, whichever date is
33 earlier.~~

34 ~~(ii) If the department denies an application under (d)(i) of this
35 subsection, the county and each city within is obligated to comply
36 with all requirements of this chapter and the resolution for partial
37 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.~~

38 ~~(iii) A petition for review of a determination of compliance
39 under (d)(i) of this subsection may only be appealed to the growth~~

1 ~~management hearings board within sixty days of the issuance of the~~
2 ~~decision by the department.~~

3 ~~(iv) In the event of a filing of a petition in accordance with~~
4 ~~(d)(iii) of this subsection, the county and the department must~~
5 ~~equally share the costs incurred by the department for defending an~~
6 ~~approval of determination of compliance that is before the growth~~
7 ~~management hearings board.~~

8 ~~(v) The department may implement this subsection [(1)](d) by~~
9 ~~adopting rules related to determinations of compliance. The rules may~~
10 ~~address, but are not limited to: The requirements for applications~~
11 ~~for a determination of compliance; charging of costs under (d)(iv) of~~
12 ~~this subsection; procedures for processing applications; criteria for~~
13 ~~the evaluation of applications; issuance and notice of department~~
14 ~~decisions; and applicable timelines.))~~

15 (2) Each county and city shall adopt development regulations that
16 protect critical areas that are required to be designated under RCW
17 36.70A.170. ~~((For counties and cities that are required or choose to~~
18 ~~plan under RCW 36.70A.040, such development regulations shall be~~
19 ~~adopted on or before September 1, 1991. For the remainder of the~~
20 ~~counties and cities, such development regulations shall be adopted on~~
21 ~~or before March 1, 1992.))~~

22 (3) Such counties and cities shall review these designations and
23 development regulations when adopting their comprehensive plans under
24 RCW 36.70A.040 and implementing development regulations under RCW
25 36.70A.120 and may alter such designations and development
26 regulations to insure consistency.

27 (4) Forestland and agricultural land located within urban growth
28 areas shall not be designated by a county or city as forestland or
29 agricultural land of long-term commercial significance under RCW
30 36.70A.170 unless the city or county has enacted a program
31 authorizing transfer or purchase of development rights.

32 **Sec. 3.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
33 read 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
36 maps, and descriptive text covering objectives, principles, and
37 standards used to develop the comprehensive plan. The plan shall be
38 an internally consistent document and all elements shall be
39 consistent with the future land use map. A comprehensive plan shall

1 be adopted and amended with public participation as provided in RCW
2 36.70A.140. Each comprehensive plan shall include a plan, scheme, or
3 design for each of the following:

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

19 (2) A housing element ensuring the vitality and character of
20 established residential neighborhoods that: (a) Includes an inventory
21 and analysis of existing and projected housing needs that identifies
22 the number of housing units necessary to manage projected growth; (b)
23 includes a statement of goals, policies, objectives, and mandatory
24 provisions for the preservation, improvement, and development of
25 housing, including single-family residences; (c) identifies
26 sufficient land for housing, including, but not limited to,
27 government-assisted housing, housing for low-income families,
28 manufactured housing, multifamily housing, and group homes and foster
29 care facilities; and (d) makes adequate provisions for existing and
30 projected needs of all economic segments of 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
37 capital facilities within projected funding capacities and clearly
38 identifies sources of public money for such purposes; and (e) a
39 requirement to reassess the land use element if probable funding
40 falls short of meeting existing needs and to ensure that the land use

1 element, capital facilities plan element, and financing plan within
2 the capital facilities plan element are coordinated and consistent.
3 Park and recreation facilities shall be included in the capital
4 facilities plan element.

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

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

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

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

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

32 (i) Containing or otherwise controlling rural development;
33 (ii) Assuring visual compatibility of rural development with the
34 surrounding rural area;

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

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

39 (v) Protecting against conflicts with the use of agricultural,
40 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
4 may allow for limited areas of more intensive rural development,
5 including necessary public facilities and public services to serve
6 the limited 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
11 developments.

12 (A) A commercial, industrial, residential, shoreline, or mixed-
13 use area are subject to the requirements of (d)(iv) of this
14 subsection, but are not subject to the requirements of (c)(ii) and
15 (iii) of this subsection.

16 (B) Any development or redevelopment other than an industrial
17 area or an industrial use within a mixed-use area or an industrial
18 area under this subsection (5)(d)(i) must be principally designed to
19 serve the existing and projected rural population.

20 (C) Any development or redevelopment in terms of building size,
21 scale, use, or intensity shall be consistent with the character of
22 the existing areas. Development and redevelopment may include changes
23 in use from vacant land or a previously existing use so long as the
24 new use conforms to the requirements of this subsection (5);

25 (ii) The intensification of development on lots containing, or
26 new development of, small-scale recreational or tourist uses,
27 including commercial facilities to serve those recreational or
28 tourist uses, that rely on a rural location and setting, but that do
29 not include new residential development. A small-scale recreation or
30 tourist use is not required to be principally designed to serve the
31 existing and projected rural population. Public services and public
32 facilities shall be limited to those necessary to serve the
33 recreation or tourist use and shall be provided in a manner that does
34 not permit low-density sprawl;

35 (iii) The intensification of development on lots containing
36 isolated nonresidential uses or new development of isolated cottage
37 industries and isolated small-scale businesses that are not
38 principally designed to serve the existing and projected rural
39 population and nonresidential uses, but do provide job opportunities
40 for rural residents. Rural counties may allow the expansion of small-

1 scale businesses as long as those small-scale businesses conform with
2 the rural character of the area as defined by the local government
3 according to RCW 36.70A.030(15). Rural counties may also allow new
4 small-scale businesses to utilize a site previously occupied by an
5 existing business as long as the new small-scale business conforms to
6 the rural character of the area as defined by the local government
7 according to RCW 36.70A.030(15). Public services and public
8 facilities shall be limited to those necessary to serve the isolated
9 nonresidential use and shall be provided in a manner that does not
10 permit low-density sprawl;

11 (iv) A county shall adopt measures to minimize and contain the
12 existing areas or uses of more intensive rural development, as
13 appropriate, authorized under this subsection. Lands included in such
14 existing areas or uses shall not extend beyond the logical outer
15 boundary of the existing area or use, thereby allowing a new pattern
16 of low-density sprawl. Existing areas are those that are clearly
17 identifiable and contained and where there is a logical boundary
18 delineated predominately by the built environment, but that may also
19 include undeveloped lands if limited as provided in this subsection.
20 The county shall establish the logical outer boundary of an area of
21 more intensive rural development. In establishing the logical outer
22 boundary, the county shall address (A) the need to preserve the
23 character of existing natural neighborhoods and communities, (B)
24 physical boundaries, such as bodies of water, streets and highways,
25 and land forms and contours, (C) the prevention of abnormally
26 irregular boundaries, and (D) the ability to provide public
27 facilities and public services in a manner that does not permit low-
28 density sprawl;

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

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

33 ~~(B) On the date the ((county adopted a resolution under RCW~~
34 ~~36.70A.040(2), in a county that is planning under all of the~~
35 ~~provisions of this chapter under RCW 36.70A.040(2); or~~

36 ~~(C) On the date the)) office of financial management certifies~~
37 ~~the county's population ((as provided in RCW 36.70A.040(5), in a~~
38 ~~county that is planning under all of the provisions of this chapter~~
39 ~~pursuant to RCW 36.70A.040(5))) is eighty thousand or more.~~

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

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

7 (a) The transportation element shall include the following
8 subelements:

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

10 (ii) Estimated traffic impacts to state-owned transportation
11 facilities resulting from land use assumptions to assist the
12 department of transportation in monitoring the performance of state
13 facilities, to plan improvements for the facilities, and to assess
14 the impact of land-use decisions on state-owned transportation
15 facilities;

16 (iii) Facilities and services needs, including:

17 (A) An inventory of air, water, and ground transportation
18 facilities and services, including transit alignments and general
19 aviation airport facilities, to define existing capital facilities
20 and travel levels as a basis for future planning. This inventory must
21 include state-owned transportation facilities within the city or
22 county's jurisdictional boundaries;

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

26 (C) For state-owned transportation facilities, level of service
27 standards for highways, as prescribed in chapters 47.06 and 47.80
28 RCW, to gauge the performance of the system. The purposes of
29 reflecting level of service standards for state highways in the local
30 comprehensive plan are to monitor the performance of the system, to
31 evaluate improvement strategies, and to facilitate coordination
32 between the county's or city's six-year street, road, or transit
33 program and the office of financial management's ten-year investment
34 program. The concurrency requirements of (b) of this subsection do
35 not apply to transportation facilities and services of statewide
36 significance except for counties consisting of islands whose only
37 connection to the mainland are state highways or ferry routes. In
38 these island counties, state highways and ferry route capacity must
39 be a factor in meeting the concurrency requirements in (b) of this
40 subsection;

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

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

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

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in
15 the comprehensive plan, the appropriate parts of which shall serve as
16 the basis for the six-year street, road, or transit program required
17 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
18 35.58.2795 for public transportation systems. The multiyear financing
19 plan should be coordinated with the ten-year investment program
20 developed by the office of financial management as required by RCW
21 47.05.030;

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

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

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service
38 on a locally owned transportation facility to decline below the
39 standards adopted in the transportation element of the comprehensive
40 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride-sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection
5 (6), "concurrent with the development" means that improvements or
6 strategies are in place at the time of development, or that a
7 financial commitment is in place to complete the improvements or
8 strategies within six years. If the collection of impact fees is
9 delayed under RCW 82.02.050(3), the six-year period required by this
10 subsection (6)(b) must begin after full payment of all impact fees is
11 due to the county or city.

12 (c) The transportation element described in this subsection (6),
13 the six-year plans required by RCW 35.77.010 for cities, RCW
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation
15 systems, and the ten-year investment program required by RCW
16 47.05.030 for the state, must be consistent.

17 (7) An economic development element establishing local goals,
18 policies, objectives, and provisions for economic growth and vitality
19 and a high quality of life. The element shall include: (a) A summary
20 of the local economy such as population, employment, payroll,
21 sectors, businesses, sales, and other information as appropriate; (b)
22 a summary of the strengths and weaknesses of the local economy
23 defined as the commercial and industrial sectors and supporting
24 factors such as land use, transportation, utilities, education,
25 workforce, housing, and natural/cultural resources; and (c) an
26 identification of policies, programs, and projects to foster economic
27 growth and development and to address future needs. A city that has
28 chosen to be a residential community is exempt from the economic
29 development element requirement of this subsection.

30 (8) A park and recreation element that implements, and is
31 consistent with, the capital facilities plan element as it relates to
32 park and recreation facilities. The element shall include: (a)
33 Estimates of park and recreation demand for at least a ten-year
34 period; (b) an evaluation of facilities and service needs; and (c) an
35 evaluation of intergovernmental coordination opportunities to provide
36 regional approaches for meeting park and recreational demand.

37 (9) It is the intent that new or amended elements required after
38 January 1, 2002, be adopted concurrent with the scheduled update
39 provided in RCW 36.70A.130. Requirements to incorporate any such new
40 or amended elements shall be null and void until funds sufficient to

1 cover applicable local government costs are appropriated and
2 distributed by the state at least two years before local government
3 must update comprehensive plans as required in RCW 36.70A.130.

4 **Sec. 4.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
5 read as follows:

6 (1)(a) Each comprehensive land use plan and development
7 regulations shall be subject to continuing review and evaluation by
8 the county or city that adopted them. Except as otherwise provided, a
9 county or city shall take legislative action to review and, if
10 needed, revise its comprehensive land use plan and development
11 regulations to ensure the plan and regulations comply with the
12 requirements of this chapter according to the deadlines in
13 subsections (4) and (5) of this section.

14 (b) Except as otherwise provided, a county or city not planning
15 under RCW 36.70A.040 shall take action to review and, if needed,
16 revise its policies and development regulations regarding critical
17 areas and natural resource lands adopted according to this chapter to
18 ensure these policies and regulations comply with the requirements of
19 this chapter according to the deadlines in subsections (4) and (5) of
20 this section. Legislative action means the adoption of a resolution
21 or ordinance following notice and a public hearing indicating at a
22 minimum, a finding that a review and evaluation has occurred and
23 identifying the revisions made, or that a revision was not needed and
24 the reasons therefor.

25 (c) The review and evaluation required by this subsection shall
26 include, but is not limited to, consideration of critical area
27 ordinances and, if planning under RCW 36.70A.040, an analysis of the
28 population allocated to a city or county from the most recent ten-
29 year population forecast by the office of financial management.

30 (d) Any amendment of or revision to a comprehensive land use plan
31 shall conform to this chapter. Any amendment of or revision to
32 development regulations shall be consistent with and implement the
33 comprehensive plan.

34 (2)(a) Each county and city shall establish and broadly
35 disseminate to the public a public participation program consistent
36 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
37 schedules whereby updates, proposed amendments, or revisions of the
38 comprehensive plan are considered by the governing body of the county
39 or city no more frequently than once every year, except that, until

1 December 31, 2015, the program shall provide for consideration of
2 amendments of an urban growth area in accordance with RCW 36.70A.1301
3 once every year. "Updates" means to review and revise, if needed,
4 according to subsection (1) of this section, and the deadlines in
5 subsections (4) and (5) of this section or in accordance with the
6 provisions of subsection (6) of this section. Amendments may be
7 considered more frequently than once per year under the following
8 circumstances:

9 (i) The initial adoption of a subarea plan. Subarea plans adopted
10 under this subsection (2)(a)(i) must clarify, supplement, or
11 implement jurisdiction-wide comprehensive plan policies, and may only
12 be adopted if the cumulative impacts of the proposed plan are
13 addressed by appropriate environmental review under chapter 43.21C
14 RCW;

15 (ii) The development of an initial subarea plan for economic
16 development located outside of the one hundred year floodplain in a
17 county that has completed a state-funded pilot project that is based
18 on watershed characterization and local habitat assessment;

19 (iii) The adoption or amendment of a shoreline master program
20 under the procedures set forth in chapter 90.58 RCW;

21 (iv) The amendment of the capital facilities element of a
22 comprehensive plan that occurs concurrently with the adoption or
23 amendment of a county or city budget; or

24 (v) The adoption of comprehensive plan amendments necessary to
25 enact a planned action under RCW 43.21C.031(2), provided that
26 amendments are considered in accordance with the public participation
27 program established by the county or city under this subsection
28 (2)(a) and all persons who have requested notice of a comprehensive
29 plan update are given notice of the amendments and an opportunity to
30 comment.

31 (b) Except as otherwise provided in (a) of this subsection, all
32 proposals shall be considered by the governing body concurrently so
33 the cumulative effect of the various proposals can be ascertained.
34 However, after appropriate public participation a county or city may
35 adopt amendments or revisions to its comprehensive plan that conform
36 with this chapter whenever an emergency exists or to resolve an
37 appeal of a comprehensive plan filed with the growth management
38 hearings board or with the court.

39 (3)(a) Each county that designates urban growth areas under RCW
40 36.70A.110 shall review, according to the schedules established in

1 subsection (5) of this section, its designated urban growth area or
2 areas, and the densities permitted within both the incorporated and
3 unincorporated portions of each urban growth area. In conjunction
4 with this review by the county, each city located within an urban
5 growth area shall review the densities permitted within its
6 boundaries, and the extent to which the urban growth occurring within
7 the county has located within each city and the unincorporated
8 portions of the urban growth areas.

9 (b) The county comprehensive plan designating urban growth areas,
10 and the densities permitted in the urban growth areas by the
11 comprehensive plans of the county and each city located within the
12 urban growth areas, shall be revised to accommodate the urban growth
13 projected to occur in the county for the succeeding twenty-year
14 period. The review required by this subsection may be combined with
15 the review and evaluation required by RCW 36.70A.215.

16 (4) Except as provided in subsection (6) of this section,
17 counties and cities shall take action to review and, if needed,
18 revise their comprehensive plans and development regulations to
19 ensure the plan and regulations comply with the requirements of this
20 chapter as follows:

21 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,
22 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and
23 the cities within those counties;

24 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
25 Mason, San Juan, Skagit, and Skamania counties and the cities within
26 those counties;

27 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
28 Grant, Kittitas, Spokane, and Yakima counties and the cities within
29 those counties; and

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

34 (5) Except as otherwise provided in subsections (6) and (8) of
35 this section, following the review of comprehensive plans and
36 development regulations required by subsection (4) of this section,
37 counties and cities shall take action to review and, if needed,
38 revise their comprehensive plans and development regulations to
39 ensure the plan and regulations comply with the requirements of this
40 chapter as follows:

1 (a) On or before June 30, 2015, and every eight years thereafter,
2 for King, Pierce, and Snohomish counties and the cities within those
3 counties;

4 (b) On or before June 30, 2016, and every eight years thereafter,
5 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,
6 Skagit, Thurston, and Whatcom counties and the cities within those
7 counties;

8 (c) On or before June 30, 2017, and every eight years thereafter,
9 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,
10 Spokane, and Yakima counties and the cities within those counties;
11 and

12 (d) On or before June 30, 2018, and every eight years thereafter,
13 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays
14 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
15 Wahkiakum, Walla Walla, and Whitman counties and the cities within
16 those counties.

17 (6)(a) Nothing in this section precludes a county or city from
18 conducting the review and evaluation required by this section before
19 the deadlines established in subsections (4) and (5) of this section.
20 Counties and cities may begin this process early and may be eligible
21 for grants from the department, subject to available funding, if they
22 elect to do so.

23 (b) A county that is subject to a deadline established in
24 subsection (4)(b) through (d) of this section and meets the following
25 criteria may comply with the requirements of this section at any time
26 within the thirty-six months following the deadline established in
27 subsection (4) of this section: The county has a population of less
28 than (~~fifty~~) eighty thousand and has had its population increase by
29 no more than (~~seventeen~~) twenty percent in the ten years preceding
30 the deadline established in subsection (4) of this section as of that
31 date.

32 (c) A city that is subject to a deadline established in
33 subsection (4)(b) through (d) of this section and meets the following
34 criteria may comply with the requirements of this section at any time
35 within the thirty-six months following the deadline established in
36 subsection (4) of this section: The city has a population of no more
37 than (~~five~~) thirty thousand and has had its population increase by
38 the greater of either no more than one hundred persons or no more
39 than (~~seventeen~~) twenty percent in the ten years preceding the

1 deadline established in subsection (4) of this section as of that
2 date.

3 (d) A county or city that is subject to a deadline established in
4 subsection (4)(d) of this section and that meets the criteria
5 established in (b) or (c) of this subsection may comply with the
6 requirements of subsection (4)(d) of this section at any time within
7 the thirty-six months after the extension provided in (b) or (c) of
8 this subsection.

9 (e) A county that is subject to a deadline established in
10 subsection (5)(b) through (d) of this section and meets the following
11 criteria may comply with the requirements of this section at any time
12 within the twenty-four months following the deadline established in
13 subsection (5) of this section: The county has a population of less
14 than (~~fifty~~) eighty thousand and has had its population increase by
15 no more than (~~seventeen~~) twenty percent in the ten years preceding
16 the deadline established in subsection (5) of this section as of that
17 date.

18 (f) A city that is subject to a deadline established in
19 subsection (5)(b) through (d) of this section and meets the following
20 criteria may comply with the requirements of this section at any time
21 within the twenty-four months following the deadline established in
22 subsection (5) of this section: The city has a population of no more
23 than (~~five~~) thirty thousand and has had its population increase by
24 the greater of either no more than one hundred persons or no more
25 than (~~seventeen~~) twenty percent in the ten years preceding the
26 deadline established in subsection (5) of this section as of that
27 date.

28 (g) State agencies are encouraged to provide technical assistance
29 to the counties and cities in the review of critical area ordinances,
30 comprehensive plans, and development regulations.

31 (7)(a) The requirements imposed on counties and cities under this
32 section shall be considered "requirements of this chapter" under the
33 terms of RCW 36.70A.040(1). Only those counties and cities that meet
34 the following criteria may receive grants, loans, pledges, or
35 financial guarantees under chapter 43.155 or 70.146 RCW:

36 (i) Complying with the deadlines in this section;

37 (ii) Demonstrating substantial progress towards compliance with
38 the schedules in this section for development regulations that
39 protect critical areas; or

1 (iii) Complying with the extension provisions of subsection
2 (6)(b), (c), or (d) of this section.

3 (b) A county or city that is fewer than twelve months out of
4 compliance with the schedules in this section for development
5 regulations that protect critical areas is making substantial
6 progress towards compliance. Only those counties and cities in
7 compliance with the schedules in this section may receive preference
8 for grants or loans subject to the provisions of RCW 43.17.250.

9 (8)(a) Except as otherwise provided in (c) of this subsection, if
10 a participating watershed is achieving benchmarks and goals for the
11 protection of critical areas functions and values, the county is not
12 required to update development regulations to protect critical areas
13 as they specifically apply to agricultural activities in that
14 watershed.

15 (b) A county that has made the election under RCW 36.70A.710(1)
16 may only adopt or amend development regulations to protect critical
17 areas as they specifically apply to agricultural activities in a
18 participating watershed if:

19 (i) A work plan has been approved for that watershed in
20 accordance with RCW 36.70A.725;

21 (ii) The local watershed group for that watershed has requested
22 the county to adopt or amend development regulations as part of a
23 work plan developed under RCW 36.70A.720;

24 (iii) The adoption or amendment of the development regulations is
25 necessary to enable the county to respond to an order of the growth
26 management hearings board or court;

27 (iv) The adoption or amendment of development regulations is
28 necessary to address a threat to human health or safety; or

29 (v) Three or more years have elapsed since the receipt of
30 funding.

31 (c) Beginning ten years from the date of receipt of funding, a
32 county that has made the election under RCW 36.70A.710(1) must review
33 and, if necessary, revise development regulations to protect critical
34 areas as they specifically apply to agricultural activities in a
35 participating watershed in accordance with the review and revision
36 requirements and timeline in subsection (5) of this section. This
37 subsection (8)(c) does not apply to a participating watershed that
38 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
39 goals and benchmarks for protection have been met.

1 **Sec. 5.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
2 read as follows:

3 (1) The growth management hearings board shall hear and determine
4 only those petitions alleging either:

5 (a) That, except as provided otherwise by this subsection, a
6 state agency, county, or city (~~(planning)~~) required to plan under
7 this chapter is not in compliance with the requirements of this
8 chapter, chapter 90.58 RCW as it relates to the adoption of shoreline
9 master programs or amendments thereto, or chapter 43.21C RCW as it
10 relates to plans, development regulations, or amendments, adopted
11 under RCW 36.70A.040 or chapter 90.58 RCW(~~(. Nothing in this~~
12 ~~subsection authorizes the board to hear petitions alleging~~
13 ~~noncompliance with RCW 36.70A.5801)~~);

14 (b) That the twenty-year growth management planning population
15 projections adopted by the office of financial management pursuant to
16 RCW 43.62.035 should be adjusted;

17 (c) That the approval of a work plan adopted under RCW
18 36.70A.735(1)(a) is not in compliance with the requirements of the
19 program established under RCW 36.70A.710;

20 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
21 regionally applicable and cannot be adopted, wholly or partially, by
22 another jurisdiction; or

23 (e) That a department certification under RCW 36.70A.735(1)(c) is
24 erroneous(~~(; or~~

25 ~~(f) That a department determination under RCW 36.70A.060(1)(d) is~~
26 ~~erroneous)~~).

27 (2) A petition may be filed only by: (a) The state, or a county
28 or city that (~~(plans)~~) is required to plan under this chapter; (b) a
29 person who has participated orally or in writing before the county or
30 city regarding the matter on which a review is being requested; (c) a
31 person who is certified by the governor within sixty days of filing
32 the request with the board; or (d) a person qualified pursuant to RCW
33 34.05.530.

34 (3) For purposes of this section "person" means any individual,
35 partnership, corporation, association, state agency, governmental
36 subdivision or unit thereof, or public or private organization or
37 entity of any character.

38 (4) To establish participation standing under subsection (2)(b)
39 of this section, a person must show that his or her participation

1 before the county or city was reasonably related to the person's
2 issue as presented to the board.

3 (5) When considering a possible adjustment to a growth management
4 planning population projection prepared by the office of financial
5 management, the board shall consider the implications of any such
6 adjustment to the population forecast for the entire state.

7 The rationale for any adjustment that is adopted by the board
8 must be documented and filed with the office of financial management
9 within ten working days after adoption.

10 If adjusted by the board, a county growth management planning
11 population projection shall only be used for the planning purposes
12 set forth in this chapter and shall be known as the "board adjusted
13 population projection." None of these changes shall affect the
14 official state and county population forecasts prepared by the office
15 of financial management, which shall continue to be used for state
16 budget and planning purposes.

17 **Sec. 6.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
18 read as follows:

19 (1) The growth management hearings board shall hear and determine
20 only those petitions alleging either:

21 (a) That, except as provided otherwise by this subsection, a
22 state agency, county, or city (~~(planning)~~) required to plan under
23 this chapter is not in compliance with the requirements of this
24 chapter, chapter 90.58 RCW as it relates to the adoption of shoreline
25 master programs or amendments thereto, or chapter 43.21C RCW as it
26 relates to plans, development regulations, or amendments, adopted
27 under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection
28 authorizes the board to hear petitions alleging noncompliance with
29 RCW 36.70A.5801;

30 (b) That the twenty-year growth management planning population
31 projections adopted by the office of financial management pursuant to
32 RCW 43.62.035 should be adjusted;

33 (c) That the approval of a work plan adopted under RCW
34 36.70A.735(1)(a) is not in compliance with the requirements of the
35 program established under RCW 36.70A.710;

36 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
37 regionally applicable and cannot be adopted, wholly or partially, by
38 another jurisdiction; or

1 (e) That a department certification under RCW 36.70A.735(1)(c) is
2 erroneous.

3 (2) A petition may be filed only by: (a) The state, or a county
4 or city that (~~plans~~) is required to plan under this chapter; (b) a
5 person who has participated orally or in writing before the county or
6 city regarding the matter on which a review is being requested; (c) a
7 person who is certified by the governor within sixty days of filing
8 the request with the board; or (d) a person qualified pursuant to RCW
9 34.05.530.

10 (3) For purposes of this section "person" means any individual,
11 partnership, corporation, association, state agency, governmental
12 subdivision or unit thereof, or public or private organization or
13 entity of any character.

14 (4) To establish participation standing under subsection (2)(b)
15 of this section, a person must show that his or her participation
16 before the county or city was reasonably related to the person's
17 issue as presented to the board.

18 (5) When considering a possible adjustment to a growth management
19 planning population projection prepared by the office of financial
20 management, the board shall consider the implications of any such
21 adjustment to the population forecast for the entire state.

22 The rationale for any adjustment that is adopted by the board
23 must be documented and filed with the office of financial management
24 within ten working days after adoption.

25 If adjusted by the board, a county growth management planning
26 population projection shall only be used for the planning purposes
27 set forth in this chapter and shall be known as the "board adjusted
28 population projection." None of these changes shall affect the
29 official state and county population forecasts prepared by the office
30 of financial management, which shall continue to be used for state
31 budget and planning purposes.

32 **Sec. 7.** RCW 36.70A.310 and 2010 c 211 s 11 are each amended to
33 read as follows:

34 A request for review by the state to the growth management
35 hearings board may be made only by the governor, or with the
36 governor's consent the head of an agency, or by the commissioner of
37 public lands as relating to state trust lands, for the review of
38 whether: (1) A county or city that is required (~~or chooses~~) to plan
39 under RCW 36.70A.040 has failed to adopt a comprehensive plan or

1 development regulations, or countywide planning policies within the
2 time limits established by this chapter; or (2) a county or city that
3 is required (~~(or chooses)~~) to plan under this chapter has adopted a
4 comprehensive plan, development regulations, or countywide planning
5 policies, that are not in compliance with the requirements of this
6 chapter.

7 **Sec. 8.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
8 read as follows:

9 (1) For shorelines of the state, the goals and policies of the
10 shoreline management act as set forth in RCW 90.58.020 are added as
11 one of the goals of this chapter as set forth in RCW 36.70A.020
12 without creating an order of priority among the fourteen goals. The
13 goals and policies of a shoreline master program for a county or city
14 approved under chapter 90.58 RCW shall be considered an element of
15 the county or city's comprehensive plan. All other portions of the
16 shoreline master program for a county or city adopted under chapter
17 90.58 RCW, including use regulations, shall be considered a part of
18 the county or city's development regulations.

19 (2) The shoreline master program shall be adopted pursuant to the
20 procedures of chapter 90.58 RCW rather than the goals, policies, and
21 procedures set forth in this chapter for the adoption of a
22 comprehensive plan or development regulations.

23 (3)(a) The policies, goals, and provisions of chapter 90.58 RCW
24 and applicable guidelines shall be the sole basis for determining
25 compliance of a shoreline master program with this chapter except as
26 the shoreline master program is required to comply with the internal
27 consistency provisions of RCW 36.70A.070, (~~((36.70A.040(4),))~~)
28 35.63.125, and 35A.63.105.

29 (b) Except as otherwise provided in (c) of this subsection,
30 development regulations adopted under this chapter to protect
31 critical areas within shorelines of the state apply within shorelines
32 of the state until the department of ecology approves one of the
33 following: A comprehensive master program update, as defined in RCW
34 90.58.030; a segment of a master program relating to critical areas,
35 as provided in RCW 90.58.090; or a new or amended master program
36 approved by the department of ecology on or after March 1, 2002, as
37 provided in RCW 90.58.080. The adoption or update of development
38 regulations to protect critical areas under this chapter prior to
39 department of ecology approval of a master program update as provided

1 in this subsection is not a comprehensive or segment update to the
2 master program.

3 (c)(i) Until the department of ecology approves a master program
4 or segment of a master program as provided in (b) of this subsection,
5 a use or structure legally located within shorelines of the state
6 that was established or vested on or before the effective date of the
7 local government's development regulations to protect critical areas
8 may continue as a conforming use and may be redeveloped or modified
9 if: (A) The redevelopment or modification is consistent with the
10 local government's master program; and (B) the local government
11 determines that the proposed redevelopment or modification will
12 result in no net loss of shoreline ecological functions. The local
13 government may waive this requirement if the redevelopment or
14 modification is consistent with the master program and the local
15 government's development regulations to protect critical areas.

16 (ii) For purposes of this subsection (3)(c), an agricultural
17 activity that does not expand the area being used for the
18 agricultural activity is not a redevelopment or modification.
19 "Agricultural activity," as used in this subsection (3)(c), has the
20 same meaning as defined in RCW 90.58.065.

21 (d) Upon department of ecology approval of a shoreline master
22 program or critical area segment of a shoreline master program,
23 critical areas within shorelines of the state are protected under
24 chapter 90.58 RCW and are not subject to the procedural and
25 substantive requirements of this chapter, except as provided in
26 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
27 or chapter 107, Laws of 2010 is intended to affect whether or to what
28 extent agricultural activities, as defined in RCW 90.58.065, are
29 subject to chapter 36.70A RCW.

30 (e) The provisions of RCW 36.70A.172 shall not apply to the
31 adoption or subsequent amendment of a local government's shoreline
32 master program and shall not be used to determine compliance of a
33 local government's shoreline master program with chapter 90.58 RCW
34 and applicable guidelines. Nothing in this section, however, is
35 intended to limit or change the quality of information to be applied
36 in protecting critical areas within shorelines of the state, as
37 required by chapter 90.58 RCW and applicable guidelines.

38 (4) Shoreline master programs shall provide a level of protection
39 to critical areas located within shorelines of the state that assures
40 no net loss of shoreline ecological functions necessary to sustain

1 shoreline natural resources as defined by department of ecology
2 guidelines adopted pursuant to RCW 90.58.060.

3 (5) Shorelines of the state shall not be considered critical
4 areas under this chapter except to the extent that specific areas
5 located within shorelines of the state qualify for critical area
6 designation based on the definition of critical areas provided by RCW
7 36.70A.030(5) and have been designated as such by a local government
8 pursuant to RCW 36.70A.060(2).

9 (6) If a local jurisdiction's master program does not include
10 land necessary for buffers for critical areas that occur within
11 shorelines of the state, as authorized by RCW 90.58.030(2)(f), then
12 the local jurisdiction shall continue to regulate those critical
13 areas and their required buffers pursuant to RCW 36.70A.060(2).

14 **Sec. 9.** RCW 36.70A.735 and 2011 c 360 s 9 are each amended to
15 read as follows:

16 (1) Within eighteen months after one of the events in subsection
17 (2) of this section, only a county required to plan under RCW
18 36.70A.040 must:

19 (a) Develop, adopt, and implement a watershed work plan approved
20 by the department that protects critical areas in areas used for
21 agricultural activities while maintaining the viability of
22 agriculture in the watershed. The department shall consult with the
23 departments of agriculture, ecology, and fish and wildlife and the
24 commission, and other relevant state agencies before approving or
25 disapproving the proposed work plan. The appeal of the department's
26 decision under this subsection is subject to appeal under RCW
27 36.70A.280;

28 (b) Adopt development regulations previously adopted under this
29 chapter by another local government for the purpose of protecting
30 critical areas in areas used for agricultural activities. Regulations
31 adopted under this subsection (1)(b) must be from a region with
32 similar agricultural activities, geography, and geology and must: (i)
33 Be from Clallam, Clark, King, or Whatcom counties; or (ii) have been
34 upheld by a growth management hearings board or court after July 1,
35 2011, where the board or court determined that the provisions
36 adequately protected critical areas functions and values in areas
37 used for agricultural activities;

38 (c) Adopt development regulations certified by the department as
39 protective of critical areas in areas used for agricultural

1 activities as required by this chapter. The county may submit
2 existing or amended regulations for certification. The department
3 must make its decision on whether to certify the development
4 regulations within ninety days after the county submits its request.
5 If the department denies the certification, the county shall take an
6 action under (a), (b), or (d) of this subsection. The department must
7 consult with the departments of agriculture, ecology, and fish and
8 wildlife and the commission before making a certification under this
9 section. The appeal of the department's decision under this
10 subsection (1)(c) is subject to appeal under RCW 36.70A.280; or

11 (d) Review and, if necessary, revise development regulations
12 adopted under this chapter to protect critical areas as they relate
13 to agricultural activities.

14 (2) A participating watershed is subject to this section if:

15 (a) The work plan is not approved by the director as provided in
16 RCW 36.70A.725;

17 (b) The work plan's goals and benchmarks for protection have not
18 been met as provided in RCW 36.70A.720;

19 (c) The commission has determined under RCW 36.70A.740 that the
20 county, department, commission, or departments of agriculture,
21 ecology, or fish and wildlife have not received adequate funding to
22 implement a program in the watershed; or

23 (d) The commission has determined under RCW 36.70A.740 that the
24 watershed has not received adequate funding to implement the program.

25 (3) The department shall adopt rules to implement subsection
26 (1)(a) and (c) of this section.

27 NEW SECTION. **Sec. 10.** Section 5 of this act expires December
28 31, 2020.

29 NEW SECTION. **Sec. 11.** Section 6 of this act takes effect
30 December 31, 2020.

--- END ---