
HOUSE BILL 2549

State of Washington

66th Legislature

2020 Regular Session

By Representatives Lekanoff, Doglio, Peterson, Pollet, Macri, and Hudgins

Read first time 01/15/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to integrating salmon recovery efforts with
2 growth management; amending RCW 36.70A.020, 36.70A.050, 36.70A.172,
3 36.70A.320, 36.70A.280, 36.70A.720, 36.70A.705, and 36.70A.480;
4 reenacting and amending RCW 36.70A.030 and 36.70A.070; adding new
5 sections to chapter 36.70A RCW; creating a new section; providing an
6 effective date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

9 (a) Salmon and other anadromous fish have a special historical,
10 economic, and cultural importance to Washington;

11 (b) As a consequence of their centrality to treaty-protected
12 rights reserved to Indian tribes, and the efforts required to be
13 undertaken in order to preserve those rights and recover threatened
14 species, salmon retain an importance akin to being a fourth branch of
15 government alongside the legislature, the judiciary, and the
16 executive;

17 (c) By including salmon in front-end planning undertaken under
18 the growth management act, local governments will avoid or reduce
19 risks that litigation against them will arise related to violations
20 of comanager relationships; and

1 (d) Ensuring that future development and growth is compatible
2 with the survival and recovery of anadromous fish species is
3 essential to Washington's continued vibrancy and quality of life.

4 (2) Therefore, it is the intent of the legislature to initiate a
5 conversation about how to best integrate salmon planning and growth
6 planning by:

7 (a) Directing state agencies to begin, in 2020, to scope and
8 develop implementation guidance related to the concept of net
9 ecological gain for application to salmon and steelhead recovery in
10 growth management; and

11 (b) Delaying new responsibilities applicable to local governments
12 until after 2021, to ensure that the necessary state support and
13 framework is in place to support the consideration of salmon and
14 steelhead recovery under the growth management act.

15 **Sec. 2.** RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and
16 amended to read as follows:

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

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

22 (2) "Affordable housing" means, unless the context clearly
23 indicates otherwise, residential housing whose monthly costs,
24 including utilities other than telephone, do not exceed thirty
25 percent of the monthly income of a household whose income is:

26 (a) For rental housing, sixty percent of the median household
27 income adjusted for household size, for the county where the
28 household is located, as reported by the United States department of
29 housing and urban development; or

30 (b) For owner-occupied housing, eighty percent of the median
31 household income adjusted for household size, for the county where
32 the household is located, as reported by the United States department
33 of housing and urban development.

34 (3) "Agricultural land" means land primarily devoted to the
35 commercial production of horticultural, viticultural, floricultural,
36 dairy, apiary, vegetable, or animal products or of berries, grain,
37 hay, straw, turf, seed, Christmas trees not subject to the excise tax
38 imposed by RCW 84.33.100 through 84.33.140, finfish in upland

1 hatcheries, or livestock, and that has long-term commercial
2 significance for agricultural production.

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

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

8 (6) "Critical areas" include the following areas and ecosystems:

9 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
10 used for potable water; (c) fish and wildlife habitat conservation
11 areas; (d) frequently flooded areas; and (e) geologically hazardous
12 areas. "Fish and wildlife habitat conservation areas" does not
13 include such artificial features or constructs as irrigation delivery
14 systems, irrigation infrastructure, irrigation canals, or drainage
15 ditches that lie within the boundaries of and are maintained by a
16 port district or an irrigation district or company.

17 (7) "Department" means the department of commerce.

18 (8) "Development regulations" or "regulation" means the controls
19 placed on development or land use activities by a county or city,
20 including, but not limited to, zoning ordinances, critical areas
21 ordinances, shoreline master programs, official controls, planned
22 unit development ordinances, subdivision ordinances, and binding site
23 plan ordinances together with any amendments thereto. A development
24 regulation does not include a decision to approve a project permit
25 application, as defined in RCW 36.70B.020, even though the decision
26 may be expressed in a resolution or ordinance of the legislative body
27 of the county or city.

28 (9) "Extremely low-income household" means a single person,
29 family, or unrelated persons living together whose adjusted income is
30 at or below thirty percent of the median household income adjusted
31 for household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 (10) "Forestland" means land primarily devoted to growing trees
35 for long-term commercial timber production on land that can be
36 economically and practically managed for such production, including
37 Christmas trees subject to the excise tax imposed under RCW 84.33.100
38 through 84.33.140, and that has long-term commercial significance. In
39 determining whether forestland is primarily devoted to growing trees
40 for long-term commercial timber production on land that can be

1 economically and practically managed for such production, the
2 following factors shall be considered: (a) The proximity of the land
3 to urban, suburban, and rural settlements; (b) surrounding parcel
4 size and the compatibility and intensity of adjacent and nearby land
5 uses; (c) long-term local economic conditions that affect the ability
6 to manage for timber production; and (d) the availability of public
7 facilities and services conducive to conversion of forestland to
8 other uses.

9 (11) "Freight rail dependent uses" means buildings and other
10 infrastructure that are used in the fabrication, processing, storage,
11 and transport of goods where the use is dependent on and makes use of
12 an adjacent short line railroad. Such facilities are both urban and
13 rural development for purposes of this chapter. "Freight rail
14 dependent uses" does not include buildings and other infrastructure
15 that are used in the fabrication, processing, storage, and transport
16 of coal, liquefied natural gas, or "crude oil" as defined in RCW
17 90.56.010.

18 (12) "Geologically hazardous areas" means areas that because of
19 their susceptibility to erosion, sliding, earthquake, or other
20 geological events, are not suited to the siting of commercial,
21 residential, or industrial development consistent with public health
22 or safety concerns.

23 (13) "Long-term commercial significance" includes the growing
24 capacity, productivity, and soil composition of the land for long-
25 term commercial production, in consideration with the land's
26 proximity to population areas, and the possibility of more intense
27 uses of the land.

28 (14) "Low-income household" means a single person, family, or
29 unrelated persons living together whose adjusted income is at or
30 below eighty percent of the median household income adjusted for
31 household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 (15) "Minerals" include gravel, sand, and valuable metallic
35 substances.

36 (16) "Permanent supportive housing" is subsidized, leased housing
37 with no limit on length of stay, paired with on-site or off-site
38 voluntary services designed to support a person living with a
39 disability to be a successful tenant in a housing arrangement,
40 improve the resident's health status, and connect residents of the

1 housing with community-based health care, treatment, and employment
2 services.

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

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

10 (19) "Recreational land" means land so designated under RCW
11 36.70A.1701 and that, immediately prior to this designation, was
12 designated as agricultural land of long-term commercial significance
13 under RCW 36.70A.170. Recreational land must have playing fields and
14 supporting facilities existing before July 1, 2004, for sports played
15 on grass playing fields.

16 (20) "Rural character" refers to the patterns of land use and
17 development established by a county in the rural element of its
18 comprehensive plan:

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

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

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

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

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

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

31 (g) That are consistent with the protection of natural surface
32 water flows and groundwater and surface water recharge and discharge
33 areas.

34 (21) "Rural development" refers to development outside the urban
35 growth area and outside agricultural, forest, and mineral resource
36 lands designated pursuant to RCW 36.70A.170. Rural development can
37 consist of a variety of uses and residential densities, including
38 clustered residential development, at levels that are consistent with
39 the preservation of rural character and the requirements of the rural

1 element. Rural development does not refer to agriculture or forestry
2 activities that may be conducted in rural areas.

3 (22) "Rural governmental services" or "rural services" include
4 those public services and public facilities historically and
5 typically delivered at an intensity usually found in rural areas, and
6 may include domestic water systems, fire and police protection
7 services, transportation and public transit services, and other
8 public utilities associated with rural development and normally not
9 associated with urban areas. Rural services do not include storm or
10 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

11 (23) "Short line railroad" means those railroad lines designated
12 class II or class III by the United States surface transportation
13 board.

14 (24) "Urban governmental services" or "urban services" include
15 those public services and public facilities at an intensity
16 historically and typically provided in cities, specifically including
17 storm and sanitary sewer systems, domestic water systems, street
18 cleaning services, fire and police protection services, public
19 transit services, and other public utilities associated with urban
20 areas and normally not associated with rural areas.

21 (25) "Urban growth" refers to growth that makes intensive use of
22 land for the location of buildings, structures, and impermeable
23 surfaces to such a degree as to be incompatible with the primary use
24 of land for the production of food, other agricultural products, or
25 fiber, or the extraction of mineral resources, rural uses, rural
26 development, and natural resource lands designated pursuant to RCW
27 36.70A.170. A pattern of more intensive rural development, as
28 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
29 to spread over wide areas, urban growth typically requires urban
30 governmental services. "Characterized by urban growth" refers to land
31 having urban growth located on it, or to land located in relationship
32 to an area with urban growth on it as to be appropriate for urban
33 growth.

34 (26) "Urban growth areas" means those areas designated by a
35 county pursuant to RCW 36.70A.110.

36 (27) "Very low-income household" means a single person, family,
37 or unrelated persons living together whose adjusted income is at or
38 below fifty percent of the median household income adjusted for
39 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban
2 development.

3 (28) "Wetland" or "wetlands" means areas that are inundated or
4 saturated by surface water or groundwater at a frequency and duration
5 sufficient to support, and that under normal circumstances do
6 support, a prevalence of vegetation typically adapted for life in
7 saturated soil conditions. Wetlands generally include swamps,
8 marshes, bogs, and similar areas. Wetlands do not include those
9 artificial wetlands intentionally created from nonwetland sites,
10 including, but not limited to, irrigation and drainage ditches,
11 grass-lined swales, canals, detention facilities, wastewater
12 treatment facilities, farm ponds, and landscape amenities, or those
13 wetlands created after July 1, 1990, that were unintentionally
14 created as a result of the construction of a road, street, or
15 highway. Wetlands may include those artificial wetlands intentionally
16 created from nonwetland areas created to mitigate conversion of
17 wetlands.

18 (29) (a) "Mitigation hierarchy" means a management system to
19 address environmental impacts prioritized in descending order as
20 follows:

21 (i) Avoidance: Measures taken to avoid creating direct, indirect,
22 or cumulative impacts from the outset of a development project,
23 policy, plan, or activity;

24 (ii) Minimization: Measures taken to reduce any combination of
25 the duration, intensity, or extent of direct, indirect, or cumulative
26 impacts that cannot be completely avoided under (a) of this
27 subsection;

28 (iii) Rehabilitation or restoration: Measures taken to
29 rehabilitate degraded ecosystems or restore impacted ecosystems
30 following exposure to impacts that cannot be completely avoided under
31 (a)(i) of this subsection or minimized under (a)(ii) of this
32 subsection;

33 (iv) Offset: Measures taken to compensate for any residual
34 impacts that cannot be completely avoided, minimized, or
35 rehabilitated or restored under (a)(i) through (iii) of this
36 subsection including, but not limited to, measures that use positive
37 management interventions such as restoration of degraded habitat,
38 arrested degradation of habitat or ecosystems or averted risks to
39 habitat or ecosystems, and protection of areas where there is
40 imminent or projected loss of ecological integrity;

1 (v) Compensation: Measures to recompense, make good, or pay
2 damages for loss of ecological integrity caused by a project, policy,
3 plan, or activity that falls short of achieving net ecological gain
4 through measures implemented consistent with (a)(i) through (iv) of
5 this subsection. Compensation may only occur if net ecological gain
6 cannot be achieved by (a)(i) through (iv) of this subsection.

7 (b) Before utilizing a lower level in the mitigation hierarchy,
8 project proponents must demonstrate that it is not possible to
9 mitigate environmental impacts through actions taken consistent with
10 higher levels of the mitigation hierarchy.

11 (30) "Net ecological gain" means a standard for a development
12 project, policy, plan, development regulation, or activity in which
13 the impacts on the ecological integrity caused by the development are
14 outweighed by measures taken consistent with the mitigation hierarchy
15 to avoid and minimize the impacts, undertake site restoration, and to
16 compensate for any remaining impacts in an amount sufficient for the
17 gain to exceed the loss.

18 **Sec. 3.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
19 read as follows:

20 The following goals are adopted to guide the development and
21 adoption of comprehensive plans and development regulations of those
22 counties and cities that are required or choose to plan under RCW
23 36.70A.040. The following goals are not listed in order of priority
24 and shall be used exclusively for the purpose of guiding the
25 development of comprehensive plans and development regulations:

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

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

31 (3) Transportation. Encourage efficient multimodal transportation
32 systems that are based on regional priorities and coordinated with
33 county and city comprehensive plans.

34 (4) Housing. Encourage the availability of affordable housing to
35 all economic segments of the population of this state, promote a
36 variety of residential densities and housing types, and encourage
37 preservation of existing housing stock.

38 (5) Economic development. Encourage economic development
39 throughout the state that is consistent with adopted comprehensive

1 plans, promote economic opportunity for all citizens of this state,
2 especially for unemployed and for disadvantaged persons, promote the
3 retention and expansion of existing businesses and recruitment of new
4 businesses, recognize regional differences impacting economic
5 development opportunities, and encourage growth in areas experiencing
6 insufficient economic growth, all within the capacities of the
7 state's natural resources, public services, and public facilities.

8 (6) Property rights. Private property shall not be taken for
9 public use without just compensation having been made. The property
10 rights of landowners shall be protected from arbitrary and
11 discriminatory actions.

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

15 (8) Natural resource industries. Maintain and enhance natural
16 resource-based industries, including productive timber, agricultural,
17 and fisheries industries. Encourage the conservation of productive
18 forestlands and productive agricultural lands, and discourage
19 incompatible uses.

20 (9) Open space and recreation. Retain open space((~~τ~~)); enhance
21 recreational opportunities((~~τ~~)); conserve, protect, restore, and
22 achieve net ecological gain with respect to fish and wildlife
23 habitat((~~τ~~)); increase access to natural resource lands and
24 water((~~τ~~)); and develop parks and recreation facilities.

25 (10) Environment. Protect, restore, and achieve net ecological
26 gain to the environment and enhance the state's high quality of life,
27 including air and water quality, and the availability of water.

28 (11) Citizen participation and coordination. Encourage the
29 involvement of citizens in the planning process and ensure
30 coordination between communities and jurisdictions to reconcile
31 conflicts.

32 (12) Public facilities and services. Ensure that those public
33 facilities and services necessary to support development shall be
34 adequate to serve the development at the time the development is
35 available for occupancy and use without decreasing current service
36 levels below locally established minimum standards.

37 (13) Historic preservation. Identify and encourage the
38 preservation of lands, sites, and structures, that have historical or
39 archaeological significance.

1 (14) Salmon recovery. Support the recovery and enhancement of
2 salmon stocks through the achievement of net ecological gain from
3 growth planning under this chapter in order to fulfill Washington's
4 tribal treaty obligations and to achieve the delisting of threatened
5 or endangered salmon and steelhead runs under the federal endangered
6 species act.

7 **Sec. 4.** RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each
8 amended to read as follows:

9 (1) Subject to the definitions provided in RCW 36.70A.030, the
10 department shall adopt guidelines, under chapter 34.05 RCW, no later
11 than September 1, 1990, to guide the classification of: (a)
12 Agricultural lands; (b) forestlands; (c) mineral resource lands; and
13 (d) critical areas. Critical area guidelines adopted by the
14 department must be updated no later than September 1, 2021, to
15 incorporate the net ecological gain requirements established in RCW
16 36.70A.172. The department shall consult with the department of
17 agriculture regarding guidelines for agricultural lands, the
18 department of natural resources regarding forestlands and mineral
19 resource lands, and the department of ecology and the department of
20 fish and wildlife regarding critical areas.

21 (2) In carrying out its duties under this section, the department
22 shall consult with interested parties, including but not limited to:
23 (a) Representatives of cities; (b) representatives of counties; (c)
24 representatives of developers; (d) representatives of builders; (e)
25 representatives of owners of agricultural lands, forestlands, and
26 mining lands; (f) representatives of local economic development
27 officials; (g) representatives of environmental organizations; (h)
28 representatives of special districts; (i) representatives of the
29 governor's office and federal and state agencies; and (j)
30 representatives of Indian tribes. In addition to the consultation
31 required under this subsection, the department shall conduct public
32 hearings in the various regions of the state. The department shall
33 consider the public input obtained at such public hearings when
34 adopting the guidelines.

35 (3) The guidelines under subsection (1) of this section shall be
36 minimum guidelines that apply to all jurisdictions, but also shall
37 allow for regional differences that exist in Washington state. The
38 intent of these guidelines is to assist counties and cities in

1 designating the classification of agricultural lands, forestlands,
2 mineral resource lands, and critical areas under RCW 36.70A.170.

3 (4) The guidelines established by the department under this
4 section regarding classification of forestlands shall not be
5 inconsistent with guidelines adopted by the department of natural
6 resources.

7 **Sec. 5.** RCW 36.70A.172 and 2010 c 211 s 3 are each amended to
8 read as follows:

9 (1) In designating and protecting critical areas under this
10 chapter, counties and cities shall include the best available science
11 in developing policies and development regulations to protect the
12 functions and values of critical areas. In addition, counties and
13 cities shall (~~give special consideration to~~) adopt and implement
14 all conservation or protection measures (~~necessary to preserve or~~
15 ~~enhance~~) that provide net ecological gain to the preservation or
16 enhancement of anadromous fisheries.

17 (2) If it determines that advice from scientific or other experts
18 is necessary or will be of substantial assistance in reaching its
19 decision, the growth management hearings board may retain scientific
20 or other expert advice to assist in reviewing a petition under RCW
21 36.70A.290 that involves critical areas.

22 **Sec. 6.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
23 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

24 The comprehensive plan of a county or city that is required or
25 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
26 and descriptive text covering objectives, principles, and standards
27 used to develop the comprehensive plan. The plan shall be an
28 internally consistent document and all elements shall be consistent
29 with the future land use map. A comprehensive plan shall be adopted
30 and amended with public participation as provided in RCW 36.70A.140.
31 Each comprehensive plan shall include a plan, scheme, or design for
32 each of the following:

33 (1) A land use element designating the proposed general
34 distribution and general location and extent of the uses of land,
35 where appropriate, for agriculture, timber production, housing,
36 commerce, industry, recreation, open spaces, general aviation
37 airports, public utilities, public facilities, and other land uses.
38 The land use element shall include population densities, building

1 intensities, and estimates of future population growth. The land use
2 element shall provide for protection of the quality and quantity of
3 groundwater used for public water supplies. Wherever possible, the
4 land use element should consider utilizing urban planning approaches
5 that promote physical activity. Where applicable, the land use
6 element shall review drainage, flooding, and stormwater runoff in the
7 area and nearby jurisdictions and provide guidance for corrective
8 actions to mitigate or cleanse those discharges that pollute waters
9 of the state, including Puget Sound or waters entering Puget Sound.

10 (2) A housing element ensuring the vitality and character of
11 established residential neighborhoods that: (a) Includes an inventory
12 and analysis of existing and projected housing needs that identifies
13 the number of housing units necessary to manage projected growth; (b)
14 includes a statement of goals, policies, objectives, and mandatory
15 provisions for the preservation, improvement, and development of
16 housing, including single-family residences; (c) identifies
17 sufficient land for housing, including, but not limited to,
18 government-assisted housing, housing for low-income families,
19 manufactured housing, multifamily housing, and group homes and foster
20 care facilities; and (d) makes adequate provisions for existing and
21 projected needs of all economic segments of the community. In
22 counties and cities subject to the review and evaluation requirements
23 of RCW 36.70A.215, any revision to the housing element shall include
24 consideration of prior review and evaluation reports and any
25 reasonable measures identified.

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

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

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

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

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

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

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development with the
30 surrounding rural area;

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

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

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

37 (d) Limited areas of more intensive rural development. Subject to
38 the requirements of this subsection and except as otherwise
39 specifically provided in this subsection (5)(d), the rural element
40 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve
2 the limited area as follows:

3 (i) Rural development consisting of the infill, development, or
4 redevelopment of existing commercial, industrial, residential, or
5 mixed-use areas, whether characterized as shoreline development,
6 villages, hamlets, rural activity centers, or crossroads
7 developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-
9 use area are subject to the requirements of (d)(iv) of this
10 subsection, but are not subject to the requirements of (c)(ii) and
11 (iii) of this subsection.

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

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

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

31 (iii) The intensification of development on lots containing
32 isolated nonresidential uses or new development of isolated cottage
33 industries and isolated small-scale businesses that are not
34 principally designed to serve the existing and projected rural
35 population and nonresidential uses, but do provide job opportunities
36 for rural residents. Rural counties may allow the expansion of small-
37 scale businesses as long as those small-scale businesses conform with
38 the rural character of the area as defined by the local government
39 according to RCW 36.70A.030(~~((+16+))~~) (20). Rural counties may also
40 allow new small-scale businesses to utilize a site previously

1 occupied by an existing business as long as the new small-scale
2 business conforms to the rural character of the area as defined by
3 the local government according to RCW 36.70A.030(~~(+16+)~~) (20). Public
4 services and public facilities shall be limited to those necessary to
5 serve the isolated nonresidential use and shall be provided in a
6 manner that does not permit low-density sprawl;

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

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

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

29 (B) On the date the county adopted a resolution under RCW
30 36.70A.040(2), in a county that is planning under all of the
31 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

3 (a) The transportation element shall include the following
4 subelements:

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

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

12 (iii) Facilities and services needs, including:

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

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

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

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

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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against
10 probable funding resources;

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

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

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

26 (vi) Demand-management strategies;

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

31 (b) After adoption of the comprehensive plan by jurisdictions
32 required to plan or who choose to plan under RCW 36.70A.040, local
33 jurisdictions must adopt and enforce ordinances which prohibit
34 development approval if the development causes the level of service
35 on a locally owned transportation facility to decline below the
36 standards adopted in the transportation element of the comprehensive
37 plan, unless transportation improvements or strategies to accommodate
38 the impacts of development are made concurrent with the development.
39 These strategies may include increased public transportation service,
40 ride-sharing programs, demand management, and other transportation

1 systems management strategies. For the purposes of this subsection
2 (6), "concurrent with the development" means that improvements or
3 strategies are in place at the time of development, or that a
4 financial commitment is in place to complete the improvements or
5 strategies within six years. If the collection of impact fees is
6 delayed under RCW 82.02.050(3), the six-year period required by this
7 subsection (6)(b) must begin after full payment of all impact fees is
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),
10 the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation
12 systems, and the ten-year investment program required by RCW
13 47.05.030 for the state, must be consistent.

14 (7) An economic development element establishing local goals,
15 policies, objectives, and provisions for economic growth and vitality
16 and a high quality of life. A city that has chosen to be a
17 residential community is exempt from the economic development element
18 requirement of this subsection.

19 (8) A park and recreation element that implements, and is
20 consistent with, the capital facilities plan element as it relates to
21 park and recreation facilities. The element shall include: (a)
22 Estimates of park and recreation demand for at least a ten-year
23 period; (b) an evaluation of facilities and service needs; and (c) an
24 evaluation of intergovernmental coordination opportunities to provide
25 regional approaches for meeting park and recreational demand.

26 (9) A salmon and steelhead protection and recovery element that
27 is designed to achieve the recovery, enhancement, and net ecological
28 gain of anadromous fisheries, and to achieve the performance goals
29 established by the department of fish and wildlife under section 9 of
30 this act. The element must be developed after consultation with each
31 Indian tribe with property, tribal reservation land, or usual and
32 accustomed fishing areas in, adjacent to, or directly affected by the
33 planning jurisdiction. The element must consist of, at minimum:

34 (a) An inventory of habitat projects identified consistent with
35 chapter 77.85 RCW or to implement a plan developed under the federal
36 endangered species act and a plan for ensuring that the ecosystem
37 services provided by such projects are enhanced, rather than
38 diminished, by new development undertaken consistent with the other
39 elements of the comprehensive plan;

1 (b) An inventory of fish passage barriers identified by the
2 department of transportation, department of fish and wildlife, or the
3 local government, and a plan for assessing and prioritizing the
4 elimination of fish passage barriers over which the city or county
5 has jurisdiction; and

6 (c) A plan for how the other elements specified in this section
7 of the comprehensive plan will contribute to the restoration and
8 improvement of in-water and upland habitats, vegetation, and natural
9 features that contribute to salmon habitat, water quantity and
10 quality in waters of the jurisdiction that contribute to salmon
11 habitat, taking into consideration and incorporating, as appropriate,
12 watershed plans developed under chapter 90.82 RCW and stormwater
13 activities undertaken consistent with municipal stormwater and
14 wastewater discharge requirements of permits issued under chapter
15 90.48 RCW.

16 (10) It is the intent that new or amended elements required after
17 January 1, 2002, be adopted concurrent with the scheduled update
18 provided in RCW 36.70A.130. Requirements to incorporate any such new
19 or amended elements and updates to critical areas to implement net
20 ecological gain requirements under RCW 36.70A.172 shall be null and
21 void until funds sufficient to cover applicable local government
22 costs are appropriated and distributed by the state at least two
23 years before local government must update comprehensive plans as
24 required in RCW 36.70A.130.

25 **Sec. 7.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
26 read as follows:

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

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

34 (3) In any petition under this chapter, the board, after full
35 consideration of the petition, shall determine whether there is
36 compliance with the requirements of this chapter. In making its
37 determination, the board shall consider the criteria adopted by the
38 department under RCW 36.70A.190(4). The board shall find compliance
39 unless it determines that the action by the state agency, county, or

1 city is clearly erroneous in view of the entire record before the
2 board and in light of the goals and requirements of this chapter.

3 (4) A county or city subject to a determination of invalidity
4 made under RCW 36.70A.300 or 36.70A.302 has the burden of
5 demonstrating that the ordinance or resolution it has enacted in
6 response to the determination of invalidity will no longer
7 substantially interfere with the fulfillment of the goals of this
8 chapter under the standard in RCW 36.70A.302(1).

9 (5)(a) The shoreline element of a comprehensive plan and the
10 applicable development regulations adopted by a county or city shall
11 take effect as provided in chapter 90.58 RCW.

12 (b) The salmon and steelhead element of a comprehensive plan and
13 the applicable development regulations adopted by a county or city
14 shall take effect as provided in section 8 of this act.

15 NEW SECTION. Sec. 8. A new section is added to chapter 36.70A
16 RCW to read as follows:

17 (1) The salmon and steelhead element of a comprehensive plan, and
18 applicable development regulations, shall become effective when
19 approved or adopted by the department of fish and wildlife, as
20 provided in subsection (4) of this section. The department of fish
21 and wildlife shall approve the salmon and steelhead element of a
22 comprehensive plan and associated development regulations unless it
23 determines that the submitted proposal is not consistent with the
24 goals of RCW 36.70A.020 and the provisions of RCW 36.70A.070. The
25 department of fish and wildlife must achieve final action on a
26 submitted salmon and steelhead element within one hundred eighty days
27 of receipt and shall post an annual assessment related to this
28 performance benchmark on the agency web site.

29 (2) Each planning jurisdiction must develop a salmon and
30 steelhead element of its comprehensive plan and implement development
31 regulations consistent with that plan beginning with the next
32 regularly scheduled periodic update to the comprehensive plan
33 required consistent with RCW 36.70A.130. A salmon and steelhead
34 element and associated development regulations proposed by a local
35 government must be submitted to the department of fish and wildlife
36 for review and approval consistent with this section no less than one
37 hundred eighty days prior to the relevant planning deadlines in the
38 schedule established in RCW 36.70A.130.

1 (3) Upon receipt of a proposed salmon and steelhead element and
2 associated development regulations, the department of fish and
3 wildlife shall:

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

12 (b) At the discretion of the department of fish and wildlife,
13 conduct a public hearing during the thirty-day comment period in the
14 jurisdiction proposing the salmon and steelhead element and
15 associated development regulations;

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

21 (d) Within thirty days after receipt of the local government
22 response pursuant to (c) of this subsection, make written findings
23 and conclusions regarding the consistency of the proposal with the
24 policy of RCW 36.70A.020 and the provisions of RCW 36.70A.070,
25 provide a response to the issues identified in (c) of this
26 subsection, and either approve the proposal as submitted, recommend
27 specific changes necessary to make the proposal approvable, or deny
28 approval of the proposal in those instances where no alteration of
29 the proposal appears likely to be consistent with the policy of RCW
30 36.70A.020 and 36.70A.070. The written findings and conclusions shall
31 be provided to the local government and made available to all
32 interested persons, parties, groups, and agencies of record on the
33 proposal;

34 (e) If the department of fish and wildlife recommends changes to
35 the proposed salmon and steelhead element or associated development
36 regulations, the local government may, within thirty days after the
37 department mails the written findings and conclusions to the local
38 government:

39 (i) Agree to the proposed changes by written notice to the
40 department; or

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

11 (f) If the department of fish and wildlife does not approve the
12 salmon and steelhead element of a comprehensive plan and associated
13 development regulations, the department may develop and by rule adopt
14 an alternative to the local government's proposal.

15 (4) The salmon and steelhead element of a comprehensive plan, and
16 applicable development regulations, take effect when and in such form
17 as approved or adopted by the department of fish and wildlife. The
18 effective date is fourteen days from the date of the department of
19 fish and wildlife's written notice of final action to the local
20 government stating the department has approved or rejected the
21 proposal. For salmon and steelhead elements and associated
22 development regulations adopted by rule by the department of fish and
23 wildlife, the effective date is governed by RCW 34.05.380. The
24 written notice from the department of fish and wildlife to the local
25 government must conspicuously and plainly state that it is the
26 department's final decision and that there will be no further
27 modifications to the proposal.

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

30 In consultation with Indian tribes, the department of fish and
31 wildlife must establish anadromous fish species recovery performance
32 goals that apply across jurisdictions required to adopt a salmon and
33 steelhead recovery element under RCW 36.70A.070(9). The goals must
34 include timelines and performance benchmarks for the achievement of
35 the salmon recovery goal outcomes specified in RCW 36.70A.020(14).
36 The department of fish and wildlife must monitor and annually report
37 progress towards these goals.

1 **Sec. 10.** RCW 36.70A.280 and 2011 c 360 s 17 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 under this chapter is not in
7 compliance with the requirements of this chapter, chapter 90.58 RCW
8 as it relates to the adoption of shoreline master programs or
9 amendments thereto, or chapter 43.21C RCW as it relates to plans,
10 development regulations, or amendments, adopted under RCW 36.70A.040
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
12 to hear petitions alleging noncompliance with RCW 36.70A.5801;

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

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

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

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

24 (f) That an action taken by the department of fish and wildlife
25 specified in section 8 of this act is erroneous with respect to the
26 requirements of that section and RCW 36.70A.070(9).

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

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

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

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

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

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

15 **Sec. 11.** RCW 36.70A.720 and 2011 c 360 s 6 are each amended to
16 read as follows:

17 (1) A watershed group designated by a county under RCW 36.70A.715
18 must develop a work plan to protect critical areas while maintaining
19 the viability of agriculture in the watershed. The work plan must
20 include goals and benchmarks for the protection and enhancement of
21 critical areas. No later than January 1, 2025, each work plan must be
22 updated to achieve net ecological gain with respect to anadromous
23 fisheries. In developing and implementing the work plan, the
24 watershed group must:

25 (a) Review and incorporate applicable water quality, watershed
26 management, farmland protection, and species recovery data and plans;

27 (b) Seek input from tribes, agencies, and stakeholders;

28 (c) Develop goals for participation by agricultural operators
29 conducting commercial and noncommercial agricultural activities in
30 the watershed necessary to meet the protection and enhancement
31 benchmarks of the work plan;

32 (d) Ensure outreach and technical assistance is provided to
33 agricultural operators in the watershed;

34 (e) Create measurable benchmarks that, within ten years after the
35 receipt of funding, are designed to result in (i) the protection of
36 critical area functions and values and (ii) the enhancement of
37 critical area functions and values and the achievement of net
38 ecological gain beginning in 2025 through voluntary, incentive-based
39 measures;

1 (f) Designate the entity or entities that will provide technical
2 assistance;

3 (g) Work with the entity providing technical assistance to ensure
4 that individual stewardship plans contribute to the goals and
5 benchmarks of the work plan;

6 (h) Incorporate into the work plan any existing development
7 regulations relied upon to achieve the goals and benchmarks for
8 protection;

9 (i) Establish baseline monitoring for: (i) Participation
10 activities and implementation of the voluntary stewardship plans and
11 projects; (ii) stewardship activities; and (iii) the effects on
12 critical areas and agriculture relevant to the protection and
13 enhancement benchmarks developed for the watershed;

14 (j) Conduct periodic evaluations, institute adaptive management,
15 and provide a written report of the status of plans and
16 accomplishments to the county and to the commission within sixty days
17 after the end of each biennium;

18 (k) Assist state agencies in their monitoring programs; and

19 (l) Satisfy any other reporting requirements of the program.

20 (2) (a) The watershed group shall develop and submit the work plan
21 to the director for approval as provided in RCW 36.70A.725.

22 (b) (i) Not later than five years after the receipt of funding for
23 a participating watershed, the watershed group must report to the
24 director and the county on whether it has met the work plan's
25 protection and enhancement goals and benchmarks.

26 (ii) If the watershed group determines the protection goals and
27 benchmarks have been met, and the director concurs under RCW
28 36.70A.730, the watershed group shall continue to implement the work
29 plan.

30 (iii) If the watershed group determines the protection goals and
31 benchmarks have not been met, it must propose and submit to the
32 director an adaptive management plan to achieve the goals and
33 benchmarks that were not met. If the director does not approve the
34 adaptive management plan under RCW 36.70A.730, the watershed is
35 subject to RCW 36.70A.735.

36 (iv) If the watershed group determines the enhancement goals and
37 benchmarks have not been met, the watershed group must determine what
38 additional voluntary actions are needed to meet the benchmarks,
39 identify the funding necessary to implement these actions, and
40 implement these actions when funding is provided.

1 (c) (i) Not later than ten years after receipt of funding for a
2 participating watershed, and every five years thereafter, the
3 watershed group must report to the director and the county on whether
4 it has met the protection and enhancement goals and benchmarks of the
5 work plan.

6 (ii) If the watershed group determines the protection goals and
7 benchmarks have been met, and the director concurs under RCW
8 36.70A.730, the watershed group shall continue to implement the work
9 plan.

10 (iii) If the watershed group determines the protection goals and
11 benchmarks have not been met, the watershed is subject to RCW
12 36.70A.735.

13 (iv) If the watershed group determines the enhancement goals and
14 benchmarks have not been met, the watershed group must determine what
15 additional voluntary actions are needed to meet the benchmarks,
16 identify the funding necessary to implement these actions, and
17 implement these actions when funding is provided.

18 (3) Following approval of a work plan, a county or watershed
19 group may request a state or federal agency to focus existing
20 enforcement authority in that participating watershed, if the action
21 will facilitate progress toward achieving work plan protection goals
22 and benchmarks.

23 (4) The commission may provide priority funding to any watershed
24 designated under the provisions of RCW 36.70A.705(2)(g). The
25 director, in consultation with the statewide advisory committee,
26 shall work with the watershed group to develop an accelerated
27 implementation schedule for watersheds that receive priority funding.

28 (5) Commercial and noncommercial agricultural operators
29 participating in the program are eligible to receive funding and
30 assistance under watershed programs.

31 **Sec. 12.** RCW 36.70A.705 and 2011 c 360 s 3 are each amended to
32 read as follows:

33 (1) The voluntary stewardship program is established to be
34 administered by the commission. The program shall be designed to
35 protect and enhance critical areas on lands used for agricultural
36 activities through voluntary actions by agricultural operators, and
37 to achieve net ecological gain for anadromous fisheries, consistent
38 with the timeline specified in RCW 36.70A.720(1).

39 (2) In administering the program, the commission must:

1 (a) Establish policies and procedures for implementing the
2 program;

3 (b) Administer funding for counties to implement the program
4 including, but not limited to, funding to develop strategies and
5 incentive programs and to establish local guidelines for watershed
6 stewardship programs;

7 (c) Administer the program's technical assistance funds and
8 coordinate among state agencies and other entities for the
9 implementation of the program;

10 (d) Establish a technical panel;

11 (e) In conjunction with the technical panel, review and evaluate:
12 (i) Work plans submitted for approval under RCW 36.70A.720(2)(a); and
13 (ii) reports submitted under RCW 36.70A.720(2)(b);

14 (f) Review and evaluate the program's success and effectiveness
15 and make appropriate changes to policies and procedures for
16 implementing the program, in consultation with the statewide advisory
17 committee and other affected agencies;

18 (g) Designate priority watersheds based upon the recommendation
19 of the statewide advisory committee. The commission and the statewide
20 advisory committee may only consider watersheds nominated by counties
21 under RCW 36.70A.710. When designating priority watersheds, the
22 commission and the statewide advisory committee shall consider the
23 statewide significance of the criteria listed in RCW 36.70A.710(3);

24 (h) Provide administrative support for the program's statewide
25 advisory committee in its work. The administrative support must be in
26 collaboration with the department of ecology and other agencies
27 involved in the program;

28 (i) Maintain a web site about the program that includes times,
29 locations, and agenda information for meetings of the statewide
30 advisory committee;

31 (j) Report to the legislature on the general status of program
32 implementation by December 1, 2013, and December 1, 2015;

33 (k) In conjunction with the statewide advisory committee, conduct
34 a review of the program beginning in 2017 and every five years
35 thereafter, and report its findings to the legislature by December
36 1st; and

37 (l) Report to the appropriate committees of the legislature in
38 the format provided in RCW 43.01.036.

1 (3) The department shall assist counties participating in the
2 program to develop plans and development regulations under RCW
3 36.70A.735(1).

4 (4) The commission, department, department of agriculture,
5 department of fish and wildlife, department of ecology, and other
6 state agencies as directed by the governor shall:

7 (a) Cooperate and collaborate to implement the program; and

8 (b) Develop materials to assist local watershed groups in
9 development of work plans.

10 (5) State agencies conducting new monitoring to implement the
11 program in a watershed must focus on the goals and benchmarks of the
12 work plan.

13 **Sec. 13.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
14 read as follows:

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

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

29 (3)(a) The policies, goals, and provisions of chapter 90.58 RCW
30 and applicable guidelines shall be the sole basis for determining
31 compliance of a shoreline master program with this chapter except as
32 the shoreline master program is required to comply with the internal
33 consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125,
34 and 35A.63.105.

35 (b) Except as otherwise provided in (c) of this subsection,
36 development regulations adopted under this chapter to protect
37 critical areas within shorelines of the state apply within shorelines
38 of the state until the department of ecology approves one of the
39 following: A comprehensive master program update, as defined in RCW

1 90.58.030; a segment of a master program relating to critical areas,
2 as provided in RCW 90.58.090; or a new or amended master program
3 approved by the department of ecology on or after March 1, 2002, as
4 provided in RCW 90.58.080. The adoption or update of development
5 regulations to protect critical areas under this chapter prior to
6 department of ecology approval of a master program update as provided
7 in this subsection is not a comprehensive or segment update to the
8 master program.

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

22 (ii) For purposes of this subsection (3)(c), an agricultural
23 activity that does not expand the area being used for the
24 agricultural activity is not a redevelopment or modification.
25 "Agricultural activity," as used in this subsection (3)(c), has the
26 same meaning as defined in RCW 90.58.065.

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

36 (e) The provisions of RCW 36.70A.172 shall not apply to the
37 adoption or subsequent amendment of a local government's shoreline
38 master program and shall not be used to determine compliance of a
39 local government's shoreline master program with chapter 90.58 RCW
40 and applicable guidelines. Nothing in this section, however, is

1 intended to limit or change the quality of information to be applied
2 in protecting critical areas within shorelines of the state, as
3 required by chapter 90.58 RCW and applicable guidelines.

4 (4) Shoreline master programs shall provide a level of protection
5 to critical areas located within shorelines of the state that assures
6 no net loss of shoreline ecological functions necessary to sustain
7 shoreline natural resources as defined by department of ecology
8 guidelines adopted pursuant to RCW 90.58.060.

9 (5) Shorelines of the state shall not be considered critical
10 areas under this chapter except to the extent that specific areas
11 located within shorelines of the state qualify for critical area
12 designation based on the definition of critical areas provided by RCW
13 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
14 government pursuant to RCW 36.70A.060(2).

15 (6) If a local jurisdiction's master program does not include
16 land necessary for buffers for critical areas that occur within
17 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
18 (d), then the local jurisdiction shall continue to regulate those
19 critical areas and their required buffers pursuant to RCW
20 36.70A.060(2).

21 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70A
22 RCW to read as follows:

23 (1) An interagency work group on riparian ecosystems is
24 established for the following purposes:

25 (a) Review and discuss best available science on riparian
26 ecosystems for different types of development and land uses, which
27 may include categories such as agricultural, forestland, urban
28 residential, suburban or exurban residential, commercial, roadways,
29 and industrial;

30 (b) Identifying which watersheds should first be treated with
31 comprehensive riparian ecosystem improvement strategies designed to
32 achieve net ecological gain of salmon; and

33 (c) Making recommendations, as appropriate, regarding how to fund
34 such improvements using federal, state, local, special purpose
35 district, and other funding mechanisms.

36 (2) The work group must consist of the following members:

37 (a) A representative from the department of ecology, appointed by
38 the director of the department of ecology;

1 (b) A representative from the department of fish and wildlife,
2 appointed by the director of the department of fish and wildlife;

3 (c) A representative from the department of agriculture,
4 appointed by the director of the department of agriculture;

5 (d) A representative from the department of transportation,
6 appointed by the secretary of the department of transportation;

7 (e) A representative from the department of natural resources,
8 appointed by the commissioner of public lands;

9 (f) A representative from the department of commerce, appointed
10 by the director of the department of commerce;

11 (g) A representative of the recreation and conservation office,
12 appointed by the director of the recreation and conservation office;

13 (h) A representative of the Washington state conservation
14 commission, appointed by the director of the Washington state
15 conservation commission;

16 (i) A representative of the Puget Sound partnership, appointed by
17 the director of the Puget Sound partnership; and

18 (j) One representative from each of the following groups,
19 appointed by the chair of the work group:

20 (i) An organization representing Washington counties; and

21 (ii) An organization representing Washington cities.

22 (3) The work group will be chaired by a representative of the
23 office of the governor. The work group shall convene periodically at
24 the call of the chair. The work group shall, by a majority of the
25 members, adopt rules to govern its conduct as may be necessary or
26 appropriate, including reasonable procedures for calling and
27 conducting meetings of the work group, ensuring reasonable advance
28 notice of each meeting, and providing for the right of the public to
29 attend each such meeting. Staff support for the work group must be
30 provided by the office of the governor.

31 (4) By July 1, 2021, the work group must, consistent with RCW
32 43.01.036, submit to the legislature a report containing findings and
33 recommendations of the work group consistent with its
34 responsibilities under subsection (1) of this section. Beginning in
35 2022, the work group must meet no less frequently than once per year
36 to review the status of recommendation implementations and to make
37 updated recommendations to the legislature, as appropriate.

38 (5) This section expires July 1, 2029.

1 NEW SECTION. **Sec. 15.** Sections 4 through 8 and 10 through 12 of
2 this act take effect July 1, 2021.

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