

SHB 1478 - H AMD 315

By Representative Springer

ADOPTED 03/04/2011

1 Beginning on page 2, line 7, strike all of section 2 and insert the
2 following:

3 "**Sec. 2.** RCW 36.70A.130 and 2010 c 216 s 1 and 2010 c 211 s 2 are
4 each reenacted and amended to read as follows:

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

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

23 (c) ~~((The review and evaluation required by this subsection may be
24 combined with the review required by subsection (3) of this section.))~~
25 The review and evaluation required by this subsection shall include,
26 but is not limited to, consideration of critical area ordinances and,
27 if planning under RCW 36.70A.040, an analysis of the population
28 allocated to a city or county from the most recent ten-year population
29 forecast by the office of financial management.

1 (d) Any amendment of or revision to a comprehensive land use plan
2 shall conform to this chapter. Any amendment of or revision to
3 development regulations shall be consistent with and implement the
4 comprehensive plan.

5 (2)(a) Each county and city shall establish and broadly disseminate
6 to the public a public participation program consistent with RCW
7 36.70A.035 and 36.70A.140 that identifies procedures and schedules
8 whereby updates, proposed amendments, or revisions of the comprehensive
9 plan are considered by the governing body of the county or city no more
10 frequently than once every year. "Updates" means to review and revise,
11 if needed, according to subsection (1) of this section, and the
12 deadlines in subsections (4) and (5) of this section or in accordance
13 with the provisions of subsection (6) of this section. Amendments may
14 be considered more frequently than once per year under the following
15 circumstances:

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

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

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

27 (iv) The amendment of the capital facilities element of a
28 comprehensive plan that occurs concurrently with the adoption or
29 amendment of a county or city budget; or

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

37 (b) Except as otherwise provided in (a) of this subsection, all
38 proposals shall be considered by the governing body concurrently so the

1 cumulative effect of the various proposals can be ascertained.
2 However, after appropriate public participation a county or city may
3 adopt amendments or revisions to its comprehensive plan that conform
4 with this chapter whenever an emergency exists or to resolve an appeal
5 of a comprehensive plan filed with the growth management hearings board
6 or with the court.

7 (3)(a) Each county that designates urban growth areas under RCW
8 36.70A.110 shall review, (~~(at least every ten years)~~) according to the
9 schedules established in subsection (5) of this section, its designated
10 urban growth area or areas, and the densities permitted within both the
11 incorporated and unincorporated portions of each urban growth area. In
12 conjunction with this review by the county, each city located within an
13 urban growth area shall review the densities permitted within its
14 boundaries, and the extent to which the urban growth occurring within
15 the county has located within each city and the unincorporated portions
16 of the urban growth areas.

17 (b) The county comprehensive plan designating urban growth areas,
18 and the densities permitted in the urban growth areas by the
19 comprehensive plans of the county and each city located within the
20 urban growth areas, shall be revised to accommodate the urban growth
21 projected to occur in the county for the succeeding twenty-year period.
22 The review required by this subsection may be combined with the review
23 and evaluation required by RCW 36.70A.215.

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

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

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

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

37 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,

1 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,
2 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
3 counties and the cities within those counties.

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

10 (a) On or before (~~December 1, 2014~~) June 30, 2015, and every
11 (~~seven~~) ten years thereafter, for (~~Clallam,~~) Clark, (~~Jefferson,~~)
12 and King(~~, Kitsap, Pierce, Snohomish, Thurston, and Whatcom~~) counties
13 and the cities within those counties;

14 (b) On or before (~~December 1, 2015~~) June 30, 2016, and every
15 (~~seven~~) ten years thereafter, for (~~Cowlitz, Island, Lewis~~) Kitsap,
16 (~~Mason, San Juan, Skagit,~~) Pierce, Snohomish, and (~~Skamania~~)
17 Thurston counties and the cities within those counties;

18 (c) On or before (~~December 1, 2016~~) June 30, 2017, and every
19 (~~seven~~) ten years thereafter, for (~~Benton, Chelan, Douglas, Grant,~~
20 ~~Kittitas~~) Clallam, Island, Jefferson, Mason, San Juan, Skagit,
21 Spokane, and (~~Yakima~~) Whatcom counties and the cities within those
22 counties; (~~and~~)

23 (d) On or before (~~December 1, 2017~~) June 30, 2018, and every
24 (~~seven~~) ten years thereafter, for (~~Adams, Asotin, Columbia, Ferry,~~
25 ~~Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,~~
26 ~~Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman~~)
27 Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas, Lewis, Skamania, and
28 Yakima counties and the cities within those counties; and

29 (e) On or before June 30, 2019, and every ten years thereafter, for
30 Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor,
31 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
32 Wahkiakum, Walla Walla, and Whitman counties and the cities within
33 those counties.

34 (6)(a) Nothing in this section precludes a county or city from
35 conducting the review and evaluation required by this section before
36 the deadlines established in subsections (4) and (5) of this section.
37 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they
2 elect to do so.

3 (b) A county that is subject to a deadline established in
4 subsection (4)(b) through (d) of this section and meets the following
5 criteria may comply with the requirements of this section at any time
6 within the thirty-six months following the deadline established in
7 subsection (4) of this section: The county has a population of less
8 than fifty thousand and has had its population increase by no more than
9 seventeen percent in the ten years preceding the deadline established
10 in subsection (4) of this section as of that date.

11 (c) A city that is subject to a deadline established in subsection
12 (4)(b) through (d) of this section and meets the following criteria may
13 comply with the requirements of this section at any time within the
14 thirty-six months following the deadline established in subsection (4)
15 of this section: The city has a population of no more than five
16 thousand and has had its population increase by the greater of either
17 no more than one hundred persons or no more than seventeen percent in
18 the ten years preceding the deadline established in subsection (4) of
19 this section as of that date.

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

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

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

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

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

1 (iii) Complying with the extension provisions of subsection (6)(b),
2 (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 progress
6 towards compliance. Only those counties and cities in compliance with
7 the schedules in this section may receive preference for grants or
8 loans subject to the provisions of RCW 43.17.250."

9 Beginning on page 12, line 12, strike all of section 7

10 Renumber the remaining sections consecutively, correct any internal
11 references accordingly, and correct the title.

12 On page 15, beginning on line 30, after "no" strike all material
13 through "2013." on line 32 and insert "later than December 31, 2010,
14 (~~although the department of ecology is encouraged to adopt the final~~
15 ~~rules as soon as possible~~) except that the department of ecology shall
16 adopt rules for reclaimed water use no earlier than June 30, 2013."

17 Beginning on page 16, line 1, strike all of section 11 and insert
18 the following:

19 "**Sec. 11.** RCW 90.48.260 and 2007 c 341 s 55 are each amended to
20 read as follows:

21 (1) The department of ecology is hereby designated as the state
22 water pollution control agency for all purposes of the federal clean
23 water act as it exists on February 4, 1987, and is hereby authorized to
24 participate fully in the programs of the act as well as to take all
25 action necessary to secure to the state the benefits and to meet the
26 requirements of that act. With regard to the national estuary program
27 established by section 320 of that act, the department shall exercise
28 its responsibility jointly with the Puget Sound partnership, created in
29 RCW 90.71.210. The department of ecology may delegate its authority
30 under this chapter, including its national pollutant discharge
31 elimination permit system authority and duties regarding animal feeding
32 operations and concentrated animal feeding operations, to the
33 department of agriculture through a memorandum of understanding. Until

1 any such delegation receives federal approval, the department of
2 agriculture's adoption or issuance of animal feeding operation and
3 concentrated animal feeding operation rules, permits, programs, and
4 directives pertaining to water quality shall be accomplished after
5 reaching agreement with the director of the department of ecology.
6 Adoption or issuance and implementation shall be accomplished so that
7 compliance with such animal feeding operation and concentrated animal
8 feeding operation rules, permits, programs, and directives will achieve
9 compliance with all federal and state water pollution control laws.
10 The powers granted herein include, among others, and notwithstanding
11 any other provisions of chapter 90.48 RCW or otherwise, the following:

12 ((+1)) (a) Complete authority to establish and administer a
13 comprehensive state point source waste discharge or pollution discharge
14 elimination permit program which will enable the department to qualify
15 for full participation in any national waste discharge or pollution
16 discharge elimination permit system and will allow the department to be
17 the sole agency issuing permits required by such national system
18 operating in the state of Washington subject to the provisions of RCW
19 90.48.262(2). Program elements authorized herein may include, but are
20 not limited to: ((+a)) (i) Effluent treatment and limitation
21 requirements together with timing requirements related thereto; ((+b))
22 (ii) applicable receiving water quality standards requirements; ((+c))
23 (iii) requirements of standards of performance for new sources; ((+d))
24 (iv) pretreatment requirements; ((+e)) (v) termination and
25 modification of permits for cause; ((+f)) (vi) requirements for public
26 notices and opportunities for public hearings; ((+g)) (vii)
27 appropriate relationships with the secretary of the army in the
28 administration of his responsibilities which relate to anchorage and
29 navigation, with the administrator of the environmental protection
30 agency in the performance of his duties, and with other governmental
31 officials under the federal clean water act; ((+h)) (viii)
32 requirements for inspection, monitoring, entry, and reporting; ((+i))
33 (ix) enforcement of the program through penalties, emergency powers,
34 and criminal sanctions; ((+j)) (x) a continuing planning process; and
35 ((+k)) (xi) user charges.

36 ((+2)) (b) The power to establish and administer state programs in
37 a manner which will insure the procurement of moneys, whether in the
38 form of grants, loans, or otherwise; to assist in the construction,

1 operation, and maintenance of various water pollution control
2 facilities and works; and the administering of various state water
3 pollution control management, regulatory, and enforcement programs.

4 ~~((+3))~~ (c) The power to develop and implement appropriate programs
5 pertaining to continuing planning processes, area-wide waste treatment
6 management plans, and basin planning.

7 The governor shall have authority to perform those actions required
8 of him or her by the federal clean water act.

9 (2) By July 31, 2012, the department shall:

10 (a) Reissue without modification and for a term of one year any
11 national pollutant discharge elimination system municipal storm water
12 general permit first issued on January 17, 2007; and

13 (b) Issue an updated national pollutant discharge elimination
14 system municipal storm water general permit for any permit first issued
15 on January 17, 2007. An updated permit issued under this subsection
16 shall become effective beginning August 1, 2013."

17 Beginning on page 17, line 26, strike all of section 12 and insert
18 the following:

19 "**Sec. 12.** RCW 90.58.080 and 2007 c 170 s 1 are each amended to
20 read as follows:

21 (1) Local governments shall develop or amend a master program for
22 regulation of uses of the shorelines of the state consistent with the
23 required elements of the guidelines adopted by the department in
24 accordance with the schedule established by this section.

25 (2)(a) Subject to the provisions of subsections (5) and (6) of this
26 section, each local government subject to this chapter shall develop or
27 amend its master program for the regulation of uses of shorelines
28 within its jurisdiction according to the following schedule:

29 (i) On or before December 1, 2005, for the city of Port Townsend,
30 the city of Bellingham, the city of Everett, Snohomish county, and
31 Whatcom county;

32 (ii) On or before December 1, 2009, for King county and the cities
33 within King county greater in population than ten thousand;

34 (iii) Except as provided by (a)(i) and (ii) of this subsection, on
35 or before December 1, 2011, for Clallam, Clark, Jefferson, King,

1 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
2 cities within those counties;

3 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis,
4 Mason, San Juan, Skagit, and Skamania counties and the cities within
5 those counties;

6 (v) On or before December 1, 2013, for Benton, Chelan, Douglas,
7 Grant, Kittitas, Spokane, and Yakima counties and the cities within
8 those counties; and

9 (vi) On or before December 1, 2014, for Adams, Asotin, Columbia,
10 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,
11 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
12 counties and the cities within those counties.

13 (b) Nothing in this subsection (2) shall preclude a local
14 government from developing or amending its master program prior to the
15 dates established by this subsection (2).

16 (3)(a) Following approval by the department of a new or amended
17 master program, local governments required to develop or amend master
18 programs on or before December 1, 2009, as provided by subsection
19 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
20 with the schedule established by subsection (2)(a)(iii) of this section
21 and shall not be required to complete master program amendments until
22 seven years after the applicable dates established by subsection
23 (2)(a)(iii) of this section. Any jurisdiction listed in subsection
24 (2)(a)(i) of this section that has a new or amended master program
25 approved by the department on or after March 1, 2002, but before July
26 27, 2003, shall not be required to complete master program amendments
27 until seven years after the applicable date provided by subsection
28 (2)(a)(iii) of this section.

29 (b) Following approval by the department of a new or amended master
30 program, local governments choosing to develop or amend master programs
31 on or before December 1, 2009, shall be deemed to have complied with
32 the schedule established by subsection (2)(a)(iii) through (vi) of this
33 section and shall not be required to complete master program amendments
34 until ~~((seven))~~ ten years after the applicable dates established by
35 subsection (2)(a)(iii) through (vi) of this section.

36 (4)(a) Following the updates required by subsection (2) of this
37 section, local governments shall conduct a review of their master
38 programs at least once every ~~((seven))~~ ten years ~~((after the applicable~~

1 ~~dates established by subsection (2)(a)(iii) through (vi) of this~~
2 ~~section)) as required by (b) of this subsection.~~ Following the review
3 required by this subsection (4), local governments shall, if necessary,
4 revise their master programs. The purpose of the review is:

5 ~~((a))~~ (i) To assure that the master program complies with
6 applicable law and guidelines in effect at the time of the review; and

7 ~~((b))~~ (ii) To assure consistency of the master program with the
8 local government's comprehensive plan and development regulations
9 adopted under chapter 36.70A RCW, if applicable, and other local
10 requirements.

11 (b) Counties and cities shall take action to review and, if
12 necessary, revise their master programs as required by (a) of this
13 subsection as follows:

14 (i) On or before June 30, 2020, and every ten years thereafter, for
15 King and Clark counties and the cities within those counties;

16 (ii) On or before June 30, 2021, and every ten years thereafter,
17 for Snohomish, Pierce, Kitsap, and Thurston counties and the cities
18 within those counties;

19 (iii) On or before June 30, 2022, and every ten years thereafter,
20 for Spokane, Island, San Juan, Skagit, Whatcom, Clallam, Jefferson, and
21 Mason counties and the cities within those counties;

22 (iv) On or before June 30, 2023, and every ten years thereafter,
23 for Lewis, Cowlitz, Skamania, Yakima, Benton, Kittitas, Chelan,
24 Douglas, and Grant counties and the cities within those counties; and

25 (v) On or before June 30, 2024, and every ten years thereafter, for
26 Lincoln, Adams, Whitman, Asotin, Columbia, Garfield, Walla Walla,
27 Franklin, Klickitat, Okanogan, Ferry, Stevens, Pend Oreille, Grays
28 Harbor, Pacific, and Wahkiakum counties and the cities within those
29 counties.

30 (5) Local governments are encouraged to begin the process of
31 developing or amending their master programs early and are eligible for
32 grants from the department as provided by RCW 90.58.250, subject to
33 available funding. Except for those local governments listed in
34 subsection (2)(a)(i) and (ii) of this section, the deadline for
35 completion of the new or amended master programs shall be two years
36 after the date the grant is approved by the department. Subsequent
37 master program review dates shall not be altered by the provisions of
38 this subsection.

1 (6)(a) Grants to local governments for developing and amending
2 master programs pursuant to the schedule established by this section
3 shall be provided at least two years before the adoption dates
4 specified in subsection (2) of this section. To the extent possible,
5 the department shall allocate grants within the amount appropriated for
6 such purposes to provide reasonable and adequate funding to local
7 governments that have indicated their intent to develop or amend master
8 programs during the biennium according to the schedule established by
9 subsection (2) of this section. Any local government that applies for
10 but does not receive funding to comply with the provisions of
11 subsection (2) of this section may delay the development or amendment
12 of its master program until the following biennium.

13 (b) Local governments with delayed compliance dates as provided in
14 (a) of this subsection shall be the first priority for funding in
15 subsequent biennia, and the development or amendment compliance
16 deadline for those local governments shall be two years after the date
17 of grant approval.

18 (c) Failure of the local government to apply in a timely manner for
19 a master program development or amendment grant in accordance with the
20 requirements of the department shall not be considered a delay
21 resulting from the provisions of (a) of this subsection.

22 (7) Notwithstanding the provisions of this section, all local
23 governments subject to the requirements of this chapter that have not
24 developed or amended master programs on or after March 1, 2002, shall,
25 no later than December 1, 2014, develop or amend their master programs
26 to comply with guidelines adopted by the department after January 1,
27 2003.

28 (8) Local governments may be provided an additional year beyond the
29 deadlines in this section to complete their master program or
30 amendment. The department shall grant the request if it determines
31 that the local government is likely to adopt or amend its master
32 program within the additional year."

33 On page 20, beginning on line 23, after "department" strike all
34 material through "government" on line 26

35 On page 20, line 29, after "approval." insert the following:

1 "The department shall strive to achieve final action on a submitted
2 master program within one hundred eighty days of receipt and shall post
3 an annual assessment related to this performance benchmark on the
4 agency web site."

EFFECT: Adjusts the reporting schedules for counties to review and revise their comprehensive plans and development regulations under the Growth Management Act and extends reporting cycles from seven to ten years. Strikes a section relating to required review and revision of comprehensive county solid waste management plans and certain comprehensive city solid waste management plans. Provides that the Department of Ecology (Ecology) must not adopt rules for reclaimed water use until after June 30, 2013. Provides that by July 31, 2012, Ecology shall reissue certain national pollutant discharge elimination system municipal storm water general permits without modification and shall issue updated permits, which will not be effective until August 1, 2013. Modifies the Shoreline Management Act's review and revision cycle to postpone the date of the first required review and to extend subsequent reporting cycles from seven to ten years. Requires Ecology to strive to achieve final action on a submitted master program under the Shoreline Management Act within 180 days of receipt, and to post an annual assessment of its performance on the agency web site.

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