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**SUBSTITUTE SENATE BILL 5619**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Water, Energy & Environment (originally sponsored by Senators Kline, Pridemore, Kastama, Poulsen, Rockefeller, Fairley, Fraser and Kohl-Welles)

READ FIRST TIME 03/02/05.

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

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

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

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

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

12 (b) The May 2004 *Preliminary Assessment and Corrective Action Plan*  
13 published by the state Puget Sound action team and the Hood Canal  
14 coordinating council finds that the low-dissolved oxygen concentrations  
15 in Hood Canal may result from nitrogen loading in the water and that  
16 failing on-site sewage systems and storm water runoff are the most  
17 likely human sources of nitrogen in the Hood Canal dead zone; and

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

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

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

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

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

36 (6) Nothing in this act affects the settlement that led to the  
37 adoption of the current shoreline master program guidelines.

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

3        (1) When preparing comprehensive plans and development regulations  
4 according to this chapter and when reviewing comprehensive plans and  
5 development regulations according to RCW 36.70A.130, cities and  
6 counties shall consider land use measures to maintain and, when  
7 required, enhance water quality and habitat as recommended by public  
8 agency plans or programs.

9        (2) When designating and protecting critical areas according to  
10 this chapter, counties and cities shall consider measures to maintain  
11 and, when required, enhance water quality at a level allowing water  
12 bodies to support fish and wildlife conservation areas, wetlands, and  
13 any aquifers used for potable water to which the surface water body  
14 contributes.

15        (3) Counties and cities may not designate in a comprehensive plan  
16 adopted under chapter 36.70A RCW urban growth areas on marine  
17 shorelines not already occupied by urban growth unless the designation  
18 is necessary for water-dependent or water-related uses.

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

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

24        (6) Nothing in this section is intended to affect the requirements  
25 or provisions of the state's water pollution control laws, chapter  
26 90.48 RCW, or the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

27        (7) Nothing in this act shall create a new cause of action before  
28 the growth management hearings boards for any plans or programs not  
29 adopted under chapter 36.70A RCW.

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