

Attachment A

GMA Compliance Analysis Table

The Compliance Analysis table identifies revisions to the Growth Management Act (GMA) since the 1999 Comprehensive Plan adoption, noting which ones pertain to Blaine's plan and possible courses the City may take to achieve compliance. Staff used this as a tool to determine where changes needed to be made to bring the City's Comprehensive Plan and Development regulations into compliance with the numerous amendments to the Growth Management Act. Each possible compliance action is numbered with that number corresponding to a proposed Comprehensive Plan (CP-1, CP-2, etc) or Development Regulations amendment (DR-1, DR-2, etc) included later in this packet.

CP = Comprehensive Plan

DR = Development Regulations

2005			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70B.220—Public Disclosure Law SHB 1133: Reorganizing Public Disclosure Law Reorganizes the public records disclosure laws into a new chapter in the Revised Code of Washington (RCW) that contains laws pertaining to open government.	Noted		None Required
RCW 36.70A—Multimodal Concurrency 2SHB 1565: Addressing Transportation concurrency strategies. <ul style="list-style-type: none"> ○ Specifies that concurrency compliance improvements or strategies may include qualifying multimodal transportation improvements or strategies. ○ Requires regional transportation plans that include provisions for regional growth centers to address concurrency strategies, measurements for vehicle level of service, and total multimodal capacity. ○ Requires the Department of Transportation (DOT) to administer a study to examine multimodal transportation improvements or strategies to comply with the concurrency requirements of the Growth Management Act. ○ Requires the study to be completed by one or more regional transportation planning organizations (RTPOs) electing to participate in the study. ○ Requires the DOT, in coordination with participating RTPOs, to submit a report of findings and recommendations to the appropriate committees of the Legislature by December 31, 2006. 	Noted NA NA NA NA	CP Update DR Update	CPA-3 DRA-16

2005			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.130—Comprehensive plans ESHB 2171: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. (Revised For Engrossed: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.) <ul style="list-style-type: none"> Counties and cities required to satisfy the review and revision requirements of the Growth Management Act (GMA) by December 1, 2005, December 1, 2006, or December 1, 2007, may comply with the requirements for development regulations that protect critical areas (critical areas regulations) one year after the applicable deadline provided in the statutory schedule. Jurisdictions complying with the review and revision requirements for critical areas regulations one year after the deadline must be deemed in compliance with such requirements. Except as otherwise provided, only those counties and cities in compliance with the statutory review and revision schedule of the GMA, and those counties and cities demonstrating substantial progress towards compliance with the schedule for critical areas regulations, may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the schedule is deemed to be making substantial progress towards compliance. Additionally, notwithstanding other provisions, only those counties and cities in compliance with the review and revision schedule of the GMA may receive preferences for financial assistance from the public works assistance and water quality accounts. Until December 1, 2005, a county or city required to satisfy the review and revision requirements of the GMA by December 1, 2004, that is demonstrating substantial progress towards compliance with applicable requirements for its comprehensive plan and development regulations may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the GMA review and revision schedule for its comprehensive plan and development regulations is deemed to be making substantial progress towards compliance. 	Noted		None Required
RCW 36.70A, 36.70A.030, 36.70A.060, 36.70A.130—Recreational facilities EHB 2241: Authorizing limited recreational activities, playing fields, and supporting facilities existing	NA		None Required

2005			
GMA Amendment	Applicability	Course	Amendment #
<p>before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.</p> <ul style="list-style-type: none"> Authorizes the legislative authority of counties planning under RCW 36.70A.040 and meeting specified criteria (Snohomish) to, until June 30, 2006, designate qualifying agricultural lands as recreational lands. Establishes designation criteria, including specifying that qualifying agricultural lands must have playing fields and supporting facilities existing before July 1, 2004, and must not be in use for commercial agricultural production. Specifies activities that may be allowed on designated recreational lands. 			
<p>RCW 36.70A.200—Long-term Air Transportation ESSB 5121: Assessing long-term air transportation needs.</p> <ul style="list-style-type: none"> Requires the Department of Transportation (DOT) to conduct a statewide airport capacity and facilities assessment and report results by July 1, 2006. Requires the DOT to conduct a 25-year capacity and facilities market analysis, forecasting demands for passengers and air cargo, and reporting results by July 1, 2007. After completion of the reports, the Governor is to appoint a ten member Aviation Planning Council to make recommendations on future aviation and capacity needs. The council expires July 1, 2009. 	NA		None Required
<p>RCW 36.70A.070—Physical Activity SSB 5186: Increasing the physical activity of the citizens of Washington state.</p> <ul style="list-style-type: none"> Land use elements of comprehensive plans are encouraged to consider using approaches to urban planning that promote physical activity. The transportation element of a comprehensive plan must contain a pedestrian and bicycle component that includes identified planned improvements for pedestrian and bicycle facilities and corridors to enhance community access and promote healthy lifestyles. Comprehensive transportation programs must include any new or enhanced bicycle or pedestrian facilities identified in the transportation element. The Washington State Parks and Recreation Commission shall maintain policies that increase access to free or low-cost recreational opportunities for physical activities, within allowable resources. The Health Care Authority, in coordination with other agencies, is authorized to create a work-site health promotion program for state employees to increase physical activity and 	<p>Noted</p> <p>NA</p> <p>NA</p>	CP Update	CPA-4

2005			
GMA Amendment	Applicability	Course	Amendment #
engage individuals in their health care decision-making. The Health Care Authority must report on progress by December 1, 2006.			
RCW 35A.15—Agricultural Land SB 5589: Providing for proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city. <ul style="list-style-type: none"> ○ Creates a method for property owners of agricultural land located within a code city to petition for exclusion from the incorporated area of that code city that does not require the issue to be submitted to the voters for approval. ○ Property owners of agricultural land may petition the legislative body of a code city for exclusion from the incorporated area of that city. The petition must be signed by 100 percent of the owners of the land. In addition, if non-agricultural landowner residents reside within the subject area, the petition must also be signed by a majority of those residents who are registered voters in the subject area. The petition must also set forth a legal description of the territory to be excluded and be accompanied by a drawing that outlines the boundaries of the territory sought to be excluded. ○ After such a petition is filed, the legislative body must set a date for public hearing on the petition within 60 days. Notice of the hearing must be published in at least one newspaper of general circulation in the city as well as in three public places within the territory proposed for exclusion. Interested persons are invited to appear and voice approval or disapproval of the exclusion. ○ If the legislative body decides to grant the petition following the hearing, they must do so by ordinance. The ordinance may exclude all or any portion of the proposed territory but may not include in the exclusion any territory not described in the petition. The petition is not submitted to the voters for approval. ○ The Growth Management Act defines "agricultural land" as land that has long-term commercial significance for agricultural production and is primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products; or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to certain excise taxes, finfish in upland hatcheries, or livestock. 	NA		
RCW 36.70A.070—Development of rural areas SSB 6037 Changing provisions relating to limited development of rural areas.	NA		None Required

2005			
GMA Amendment	Applicability	Course	Amendment #
<ul style="list-style-type: none">○ Modifies Growth Management Act provisions for public services and facilities in qualifying limited areas of more intensive rural development.○ Growth Management Act provisions for public services and facilities in qualifying limited areas of more intensive rural development (LAMIRDs) are modified. Until August 31, 2005, an example of a public service or facility that is permitted within recreational and tourist use LAMIRDs is a connection to an existing sewer line where the connection serves only the recreational or tourist use and is not available to adjacent nonrecreational or nontourist use parcels.			

2004			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A—Military installations ESSB 6401: PROTECTING MILITARY INSTALLATIONS FROM ENCROACHMENT OF INCOMPATIBLE LAND USES <ul style="list-style-type: none"> Legislative findings recognize the importance of the United States military as a vital component of the Washington State economy, and it is identified as a priority of the state to protect the land surrounding our military installations from incompatible development. Comprehensive plans, development regulations, and amendments to either should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A consultation procedure is established whereby counties and cities must notify base commanders during the process of adopting or amending comprehensive plans or development regulations that will affect lands adjacent to the installations. 	NA		None Required
RCW 35.63.160—Housing, Consumer Choices SB 6593: PROHIBITING DISCRIMINATION AGAINST CONSUMERS' CHOICES IN HOUSING <ul style="list-style-type: none"> Cities, code cities, and counties generally regulate manufactured homes in the same manner as all other homes. They may require new manufactured homes. The foundation must meet the manufacturer's design standard, and the placement of concrete or a concrete product between the base of the home and the ground may be required. Thermal standards must be consistent with the standards for manufactured homes. 	Not addressed	CP update DR update	CPA-5 DRA-1
RCW 36.70A.170-Agricultural Lands Study SB 6488: ORDERING A STUDY OF THE DESIGNATION OF AGRICULTURAL LANDS IN FOUR COUNTIES <ul style="list-style-type: none"> By December 1, 2004, the Department of Community, Trade, and Economic Development will prepare a report on designation of agricultural resource land in King, Lewis, Chelan, and Yakima Counties. The report will cover how much land is designated, how much is in production, changes in these amounts since 1990, comparison with other uses, effects on tax revenue, threats to the agriculture land base, and measures to better maintain the base and the agriculture industry. 	NA		None Required
RCW 36.70A .070—Rural development ESHB 2905: MODIFYING PROVISIONS FOR TYPE 1 LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT <ul style="list-style-type: none"> Any development or redevelopment within one 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
<p>category of existing "limited areas of more intensive rural development" (LAMIRDs) must be principally designed to serve the existing and projected rural population.</p> <ul style="list-style-type: none"> • Building size, scale, use, or intensity of the LAMIRD development or redevelopment must be consistent with the character of the existing areas. • Development or redevelopment may include changes in use from vacant land or a previously existing use if the new development conforms to certain requirements. 			
<p>RCW 36.70A.106—Development regulations SHB 2781: CHANGING PROVISIONS RELATING TO EXPEDITED STATE AGENCY REVIEW OF DEVELOPMENT REGULATIONS</p> <ul style="list-style-type: none"> • Proposed changes to development regulations by jurisdictions that plan under the Growth Management Act (GMA) can receive expedited review by the Department of Community, Trade, and Economic Development and be adopted immediately thereafter, if timely comments regarding GMA compliance or other matters of state interest can be provided. 	NA		None Required
<p>RCW 36.70A.110—National historic reserves SSB 6367: PROTECTING THE INTEGRITY OF NATIONAL HISTORICAL RESERVES IN THE URBAN GROWTH AREA PLANNING PROCESS</p> <ul style="list-style-type: none"> • The existing requirement that cities and counties must include areas and densities sufficient to permit the urban growth projected for the succeeding 20-year period does not apply to those urban growth areas contained totally within a national historical reserve. • When an urban growth area is contained totally within a national historical reserve, a city may restrict densities, intensities, and forms of urban growth as it determines necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. 	NA		None Required
<p>RCW 36.70A.177—Agricultural land use SB 6237: PROVIDING NONAGRICULTURAL COMMERCIAL AND RETAIL USES THAT SUPPORT AND SUSTAIN AGRICULTURAL OPERATIONS ON DESIGNATED AGRICULTURAL LANDS OF LONG-TERM SIGNIFICANCE</p> <ul style="list-style-type: none"> • Agricultural zoning can allow accessory uses that support, promote, or sustain agricultural operations and production, including compatible commercial and retail uses that involve agriculture or agricultural products or provide supplemental farm income. 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.367—Industrial land banks SSB 6534: DESIGNATING PROCESSES AND SITING OF INDUSTRIAL LAND BANKS <ul style="list-style-type: none"> • The requirements for including master planned locations within industrial land banks and for siting specific development projects are separated so that designation of master planned locations may occur during the comprehensive planning process before a specific development project has been proposed. • Some of the current criteria for designating a master planned location within an industrial land bank may be delayed until the process for siting specific development projects within a land bank occurs. • Designating master planned locations within an industrial land bank is considered an adopted amendment to a comprehensive plan, and approval of a specific development project does not require any further amendment to a comprehensive plan. 	NA		None Required
RCW 36.70B.080—Growth management timelines HB 2811: MODIFYING LOCAL GOVERNMENT PERMIT PROCESSING PROVISIONS <ul style="list-style-type: none"> • Existing requirements for timely and predictable procedures for processing permit applications by local governments are clarified. • For the "buildable lands" jurisdictions, performance reporting requirements are reinstated and changed to an annual basis. A report on the projected costs of this reporting with recommendations for state funding must be provided to the Governor and the Legislature by January 1, 2005. 	NA		None Required
RCW 36.70—Manufactured housing SB 6476: DESIGNATING MANUFACTURED HOUSING COMMUNITIES AS NONCONFORMING USES <ul style="list-style-type: none"> • Elimination of existing manufactured housing communities on the basis of their status as a nonconforming use is prohibited. 	Not addressed	CP Update DR Update	CPA-5 DRA-1
SSCR 8418: CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE PERMITTING PROCESSES <ul style="list-style-type: none"> • A joint select legislative task force is established to make recommendations regarding permitting processes by January 1, 2006, after evaluating local development regulations of selected jurisdictions among the "buildable lands" counties and their cities over 50,000. • The task force is composed of the chairs and ranking minority members of the Senate Committee on Land Use and Planning and the House Local Government Committee. The 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
Governor will be invited to participate and form a "Five Corners Task Force." • An advisory committee is also established to assist the task force and is composed of the Department of Community, Trade, and Economic Development, the Department of Ecology, the Office of Regulatory Assistance, a county, a city, the business community, the environmental community, agriculture, labor, the property rights community, the construction industry, ports, and federally recognized Indian tribes.			

Page 10 of 27

RCW 36.70A.110 (SHB 1755) Annexation CREATING ALTERNATIVE MEANS FOR ANNEXATION OF UNINCORPORATED ISLANDS OF TERRITORY <ul style="list-style-type: none"> Creates an alternative method of annexation allowing jurisdictions subject to the "buildable lands" review and evaluation program of the Growth Management Act (GMA) to enter into interlocal agreements to annex qualifying territory meeting specific contiguity requirements. Creates an alternative method of annexation allowing counties subject to the "buildable lands" review and evaluation program of the GMA to enter into interlocal agreements with multiple municipalities to conduct annexation elections for qualifying territory contiguous to more than one city or town. 	NA		
RCW 36.70A.280 (SB 5507) Growth management boards CLARIFYING WHO HAS STANDING REGARDING GROWTH MANAGEMENT HEARINGS BOARD HEARINGS <ul style="list-style-type: none"> The requirement under the Growth Management Act for "participation" standing before a Growth Management Hearings Board is that a petitioner must have participated orally or in writing before the local government. An additional requirement to obtain "participation" standing is added and provides that only issues "reasonably related" to issues that the aggrieved person previously raised at the local level can be considered by the Board. 	Not addressed	CP Update DR Update	CPA-7 DRA-2
RCW 36.70A.367 (SB 5651) Land banks AUTHORIZING LAND BANKS IN CERTAIN COUNTIES WITH LOW POPULATION DENSITIES <ul style="list-style-type: none"> The industrial land bank program under the Growth Management Act is amended to provide that counties meeting certain geographic requirements are eligible for the program based on population density criteria, rather than unemployment criteria. Clarifies that Jefferson and Clallam counties are eligible for the program under this provision. 	NA		None Required
RCW 36.70A.450 (HB 1170) Day-care facilities LIMITING RESTRICTIONS ON RESIDENTIAL DAY-CARE FACILITIES <ul style="list-style-type: none"> A county cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone. The county can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone. 	NA		None Required
RCW 36.70A.480 (ESHB 1933) Shoreline and growth management	Noted	CP Update DR Update	CPA-2 CPA-8

INTEGRATING SHORELINE MANAGEMENT ACT AND GROWTH MANAGEMENT ACT PROVISIONS <ul style="list-style-type: none"> ○ The goals of the growth management act, including the goals and policies of the shoreline management act set forth, continue to be listed without priority. ○ Shorelines of statewide significance may include critical areas as designated by the GMA, but shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance. ○ Within shoreline jurisdiction, critical areas will be protected by the Shoreline Master Program and regulations will be reviewed for compliance with the Shoreline Management Act. However, SMP regulations must provide a level of protection of critical areas at least equal to that provided by the county or cities adopted or thereafter amended critical areas ordinances. 			DRA-3 DRA-12
RCW 90.58.080 (SSB 6012) Codifying Shoreline Rules <ul style="list-style-type: none"> ○ The Department of Ecology (DOE) may adopt amendments to the shorelines guidelines no more than once per year and the amendments must be related to technical, procedural, or compliance issues. * ESHB 1769 was incorporated in its entirety into SSB 6012 ○ A staggered statutory schedule for the update of shoreline master programs, running from 2005 to 2014 and every seven years after the initial deadline is established. ○ Limits on grants from DOE to local governments for master program reviews are removed and new requirements for the receipt of such grants are created. 	Noted		None Required

Page 13 of 27

2002			
GMA Amendment	Applicability	Course	Amendment #
<ul style="list-style-type: none"> Required comprehensive plans to include an economic development element and a parks and recreation facilities element, if money to implement these requirements is appropriated by the Legislature. 			
RCW 36.70A.103 State agencies required to comply with comprehensive plans Amended to cross-reference new provisions for siting secure community transition facilities for sex offenders.	Noted		None Required
RCW 36.70A.130 Comprehensive Plans—Review Amendments Amended the deadlines for reviewing and updating comprehensive plans and development regulations adopted under the GMA and clarified the requirements relating to the reviews and updates.	Noted	CP Update	CPA-21
RCW 36.70A.200 Siting of essential public facilities—Limitation on liability Clarified that the deadline for adopting a process for siting secure community transition facilities for sex offenders must be adopted by September 1, 2002, even though deadlines for GMA reviews and updates were changed in amendments to RCW 36.70A.130. Exempted noncompliance with September 1, 2002, deadline from challenge before the Growth Management Hearings Boards and from economic sanctions under the GMA's enforcement provisions.	Noted	CP Update	CPA-11
RCW 36.70A.367 Major industrial developments—Master planned locations Established a pilot program authorizing the designation of industrial land banks outside urban growth areas if specified requirements are satisfied.	NA		None Required

2001			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.103 State agencies required to comply with comprehensive plans Authorized DSHS to site and operate a Special Commitment Center and a secure community transition facility to house persons conditionally released to a less restrictive alternative on McNeil Island. The state's authority to site an essential public facility under RCW 36.70A.200, in conformance with comprehensive plans and development regulations, is not affected, and with the exception of these two facilities, state agencies must comply with those plans and regulations.	Noted	CP Update	CPA-11
RCW 36.70A.200 Siting of essential public facilities Added "secure community transition facilities" (as defined in RCW 71.09.020) to the list of essential public facilities typically difficult to site. Each city and county planning under RCW 36.70A.040 is required to establish a process, or amend its existing process, for identifying and siting essential public facilities, and to adopt and amend its development regulations as necessary to provide for the siting of secure community transition facilities. Local governments are required to complete this no later than the deadline set in RCW 36.70A.130. Any city or county not planning under RCW 36.70A.040 is required to establish a process for siting secure community transition facilities and amend or adopt development regulations necessary to provide the siting of these facilities.	Not addressed	CP Update DR Update	CPA-11 DRA-4
RCW 36.70A.367 Major industrial developments – Master planned locations Extended deadline for counties eligible to use the industrial land bank authority. Currently, Grant County and Lewis County satisfy all three criteria. Until December 2002 eligible counties may establish a process for designating a bank of no more than two master planned locations for major industrial activity outside a UGA. Eligible counties must meet statutory criteria initially specified for the authority terminating on December 1999. RCW 36.70B.080	NA		None Required

2000			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.520 Allows counties planning under RCW 36.70A.040 to authorize and designate national historic towns that may constitute urban growth outside UGAs, if specified conditions are satisfied. A GMA county may allocate a portion of its 20-year population projection to the national historic town to correspond to the projected number of permanent town residents.	NA		None Required
RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans Added language stating that for the purposes of being required to conform to the requirements of the GMA, no county is required to include in its population count those persons confined in a correctional facility under the jurisdiction of the state Department of Corrections that is located in the county.	NA		None Required

1999			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.035 Public participation – Notice provisions Added “school districts” to list of entities and affected individuals to be provided with notice of comprehensive plan/development regulation amendment.	Noted	CP Update DR Update	CPA-1 DRA-5

1998			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans Added the requirement for cities or counties to amend the transportation element to be in compliance with Chapter 47.80 RCW no later than December 31, 2000.	Not addressed	CP Update	CPA-12
RCW 36.70A.060 Natural resource lands and critical areas – Development regulations The requirement for notice on plats and permits issued for development activities near designated resource lands expanded to activities within 500 feet, instead of 300 feet, of the resource lands. The notice for mineral lands is required to include information that an application might be made for mining-relating activities. (From the Land Use Study Commission recommendations bill.)	Noted	DR Update	DRA-12
RCW 36.70A.070 Comprehensive plans – Mandatory elements Required cities or counties to include level of service standards for state highways in local comprehensive plans, in order to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the Washington State Department of Transportation's (WSDOT) six-year investment program. Inventories of transportation are required to include state-owned transportation facilities.	Not addressed	CP Update	CPA-12
RCW 36.70A.131 Mineral resource lands – Review of related designations and development regulations Added a new section to the GMA. A county or city is required to take into consideration new information available since the adoption of its designations/development regulations, including new or modified model development regulations for mineral resource lands prepared by the Washington Department of Natural Resources (DNR), CTED, or the Washington Association of Counties.	NA		None Required
RCW 36.70A.200 Siting of essential public facilities Added state or regional facilities and services of state-wide significance as defined in subsection (7) of HB 1487 (definition located in Chapter 47.06 RCW per this amendment). Includes among others, are high speed rail, inter-city high speed ground transportation, the Columbia/Snake navigable river system, etc.	Noted	CP Update	CPA-11
RCW 36.70A.210 County-wide planning policies Added "transportation facilities of state-wide significance" to the minimums that county-wide planning policies shall address.	Noted	County responsibility	None Required

1998			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.360 Master planned resorts Master planned resorts expressly authorized to use capital facilities, utilities, and services (including sewer, water, stormwater, security, fire suppression, and emergency medical) from outside service providers. Any capital facilities, utilities, and services provided on-site are limited to those meeting the needs of master planned resorts. Master planned resorts are required to bear the full costs related to service extensions and capacity increases directly attributable to the resorts.	Noted		None Required
RCW 36.70A.367 Major industrial developments Authorized additional counties (Lewis, Grant, and Clallam) to establish industrial land banks for two master planned locations by December 31, 1999. Extended sunset date for Clark and Whatcom counties to December 31, 1999.	NA		None Required
RCW 36.70A.395 Environmental planning pilot projects Technical corrections to eliminate references concerning reports to the Legislature that are no longer necessary or have expired.	NA		None Required
RCW 36.70A.460 Watershed restoration projects – Permit processing – Fish habitat enhancement project A fish habitat enhancement project meeting the criteria of this law not subject to local government permits, inspections, or fees. Such projects, when approved and a hydraulic permit has been issued, are not required to complete a substantial development permit under the SMA. Fish habitat enhancement projects that meet the criteria of this act are considered to be consistent with local shoreline master programs.	Noted	CP Update DR Update	CPA-13 DRA-6

Page 19 of 27

<p>(3) of this section. (ESB 6094 amendments.)</p> <ul style="list-style-type: none"> • Changed to allow for the amendment of the capital facilities element of the comprehensive plan if it occurs concurrent with the adoption/amendment of a county/city budget. 			
<p>RCW 36.70A.165 Property designated as greenbelt or open space – Not subject to adverse possession Added a new section to the GMA. Adverse possession is prohibited on property designated as open space to a public agency or homeowner's association. (ESB 6094 amendments.)</p>	Noted	CP Update DR Update	CPA-16 DRA-8
<p>RCW 36.70A.177 Agricultural lands – Innovative zoning techniques Added a new section to the GMA. It allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.177 Agricultural lands – Innovative zoning techniques Added a new section to the GMA. It allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.215 Review and evaluation program Created the Buildable Lands Program. Six Western Washington counties and the cities located within their boundaries are to establish a monitoring and evaluation program to determine if the actual growth and development is consistent with what was planned for in the county-wide planning policies and comprehensive plans. Measures, other than expanding UGAs, must be taken to correct any inconsistencies. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation Amended subsection (7). It amends the boards' procedures for distribution of rules and decisions to follow the Administrative Procedures Act, Chapter 34.05 RCW, <u>specifically including the provisions of RCW 34.05.455 governing ex parte communications.</u> (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.290 Petitions to the growth management hearings boards – Evidence Amended this section as follows: <u>The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.</u> (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.295 Direct judicial review Added a new section to the GMA. The superior court is allowed to directly review a petition for review, if all parties to a case before a board agreed to direct review in the superior court. (ESB 6094 amendments.)</p>	Noted		None Required

RCW 36.70A.300 Final orders Changed to allow the board to extend the time for issuing a decision beyond the 180-day period currently provided by the GMA to allow settlement negotiations to proceed if the parties agree to the extension. The boards may: (1) allow up to 90-day extensions that may be renewed; (2) establish a compliance schedule that goes beyond 180 days for a plan or development regulation that does not comply with the GMA if the complexity of the case justifies it; and (3) require periodic updates on progress towards compliance as part of the compliance order. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.302 Determination of invalidity – Vesting of development permits – Interim controls Clarified which permits invalidity orders apply to. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.320 Presumption of validity – Burden of proof – plans and regulations Burden shifted to the petitioner to demonstrate that any action by a respondent is not in compliance with the requirements of the GMA. The board is required to find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of the GMA. (ESB 6094 amendments.)	Noted		None Required
RCW 36.70A.3201 Intent – Finding – 1997 c 429~20(3) Added a new section to the GMA. Local comprehensive plans and development regulations require counties and cities to balance priorities and consider local circumstances. The ultimate responsibility for planning and implementing a county's or city's future rests with that community. The boards are to apply a more deferential standard of review to actions of counties and cities than the previous “preponderance of the evidence” standard. (ESB 6094 amendments.)	Noted	CP Update	CPA-17
RCW 36.70A.330 Noncompliance Changed to enable board to modify a compliance order and allow additional time for compliance in appropriate circumstances. The board is directed to take into account a county's or city's progress toward compliance in making its decision as to whether to recommend the imposition of sanctions by the Governor. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.335 Order of invalidity issued before July 27, 1997 Added a new section to the GMA. A county or city subject to an order of invalidity issued prior to the effective date of the act may request the board to review its order in light of the changes to the invalidity provisions. If requested, the board is required to rescind or modify an order to make it consistent with the act's changes. (ESB 6094 amendments.)	Noted		None Required

RCW 36.70A.362 Master planned resorts – Existing resort may be included Added a new section to the GMA. Counties planning under the GMA may include some existing resorts as master planned resorts under a GMA provision that allows counties to permit master planned resorts as urban growth outside of UGAs. An "existing resort" is defined as a resort that was in existence on July 1, 1990, and developed as a significantly self-contained and integrated development that includes various types of accommodations and facilities.	NA		None Required
RCW 36.70A.367 Major industrial developments – Master planned locations Authorized an additional county (Whatcom), in consultation with its cities, to establish a process for designating land to be in an industrial land bank, according to certain conditions.	NA		None Required
RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants – Procedures The Department of Community, Trade, and Economic Development (CTED) is directed to encourage participation in the grant program by other public agencies through the provision of grant funds. CTED is required to develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program. Grants from the planning and environmental review fund are to be provided for proposals designed to improve the project review process and which encourage the use of GMA plans to meet the requirements of other state programs. (ESB 6094 amendments.)	NA		None Required

1996			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.070 Comprehensive plans – Mandatory elements Added “general aviation airports” to subsection (6)(i) relating to required sub-elements of a transportation element as defined by this section.	Not addressed	CP Update DR Update	CPA-18 DRA-9
RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation Boards are required to publish their decisions and arrange for reasonable distribution of them. The Administrative Procedures Act (APA) is to be used for the boards’ procedures, unless it conflicts with RCW 36.70A. The APA also is to be used to determine whether a board member or hearing examiner will be disqualified.	NA		None Required
RCW 36.70A.280 Matters subject to board review Clarified who may file petitions with the boards (i.e., standing).	Noted		None Required
RCW 36.70A.305 Expedited review New section added from SSB 6637. Courts are to expedite reviews on invalidity determinations made by the boards. Hearings on the issues are to be scheduled within 60 days of the date set for submitting the board’s record.	NA		None Required
RCW 36.70A.367 Major industrial developments – Master planned locations The GMA was amended to allow a pilot project to designate an urban industrial bank outside UGAs. A county is allowed to establish the pilot project if it has a population of more than 250,000 and if it is part of a metropolitan area that includes a city in another state with a population of more than 250,000 (Clark County). The urban industrial land banks are to consist of no more than two master planned locations. Priority is to be given to locations that are adjacent to or in close proximity to a UGA. The same criteria are to be met that are required under the existing major industrial development process in the GMA, except that specific businesses to locate on the site(s) need not be identified ahead of the designation. The pilot project terminates on December 31, 1998.	NA		None Required
RCW 36.70A.510 General aviation airports. General aviation airports were added to the list of items that all local governments must include in the land use elements of their comprehensive plans. General aviation airports include all airports in the state (i.e., public use facilities). There are currently a total of 129 airports that are classified as “general aviation.” Adoption and amendment of comprehensive plan provisions and development regulations under this chapter affecting general aviation airports are subject to RCW 36.70.547.	Not addressed	CP Update DR Update	CPA-18 DRA-9

Page 24 of 27

<ul style="list-style-type: none"> Added the requirement of public participation to the emergency amendment process already permitted by the GMA and added resolution of a growth management hearings board (board) or court order as an amendment permitted outside of the comprehensive plan amendment cycle. (ESHB 1724 amendments.) 			
RCW 36.70A.140 Comprehensive Plans – Ensure public participation <ul style="list-style-type: none"> Added the requirement of a public participation program that identifies procedures. Local governments must also provide public participation that is effective when responding to a board order of invalidity. (ESHB 1724 amendments.) 	Noted	CP Update DR Update	CPA-1 DRA-11
RCW 36.70A.172 Critical areas – Designation and protection – Best available science to be used New section added to the GMA that clarified the state's goals and policies for protecting critical areas functions and values. Local governments are required to include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas as defined in the GMA and must give special consideration to preserving or enhancing anadromous fisheries. (ESHB 1724 amendments.)	Not addressed	CP Update DR Update	CPA-2 DRA-12
RCW 36.70A.175 Wetlands to be delineated in accordance with manual Washington Department of Ecology (Ecology) directed to adopt by a rule a manual for the delineation of wetlands regulated under the SMA and GMA. The manual is based on the 1987 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency manual as amended through January 1, 1995.	Noted	CP Update DR Update	CPA-2 DRA-12
RCW 36.70A.280 Matters subject to board review Added shoreline master programs or amendments adopted under chapter 90.58 RCW, as subjects for board review. (ESHB 1724 amendments.)	NA		None Required
RCW 36.70A.290 Petitions to growth management hearings boards – Evidence Established the publication date for a shoreline master program or amendment to be the date when the shoreline master program or amendment is approved/disapproved by Ecology.	NA		None Required
RCW 36.70A.300 Final orders <ul style="list-style-type: none"> Added shoreline master program and amendments to final order procedures. Determined that a finding of non-compliance will not affect the validity of comprehensive plans/development regulations. Indicated the parameters of an invalidity determination by the boards, including vesting issues. 	Noted		None Required
RCW 36.70A.320 Presumption of validity Added that the shoreline element of a comprehensive plan and applicable development regulations adopted	Noted		None Required

Page 26 of 27

<p>policies of a Shoreline Master Program for a county/city are required to become an element of the jurisdiction's comprehensive plan. All other portions of the Shoreline Master Program including regulations are required to become part of the county's or city's development regulations. Additionally, Shoreline Master Programs are to continue to be amended/adopted under the procedures of the SMA (Chapter 90.58 RCW).</p>			
<p>RCW 36.70A.481 Construction – Chapter 347, Laws of 1995 Added the above new section to the GMA, which states that nothing in RCW 36.70A.480 (shorelines of the state) shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of Chapter 90.58 RCW. (ESHB 1724 amendments.)</p>	Noted		None Required
<p>RCW 36.70A.490 Growth management planning and environmental review fund – Established Added the above new section to the GMA. Moneys in the fund are required to be used to make grants to local governments for the purposes set forth in RCW 43.21C.031. (ESHB 1724 amendments.)</p>	NA		None Required
<p>RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants - Procedures Added the above new section to the GMA. Established procedures for dispersing funds. (ESHB 1724 amendments.)</p>	NA		None Required
<p>Chapter 36.70B RCW Regulatory reform bill to streamline permitting procedures in the state. (ESHB 1724 amendments.)</p>	Noted	DR Update	DRA-15