SHORELINE MASTER PROGRAM

FINAL PUBLIC PARTICIPATION PLAN
12/16/07

Table of Contents

Public Participation Plan Objectives 3
Guiding Comprehensive Plan Goals and Policies 3
Guiding Principles 4
Key Parties 5
Public Outreach Methods 5
Project Timeline and Opportunities for Public Input 6

Attachment A – Applicable Sections of the Washington Administrative Code (WAC) and Revised Code of Washington (RCW) 9
Attachment B - Comparison of Public Participation Tools 25

Note: The schedule for the Public Participation Plan may be revised if adjustments become necessary due to unforeseen circumstances/issues. However, the City understands that the 2007-2009 DOE grant funds are to be spent prior to July 1, 2009.

Public Participation Plan Objectives

The overarching goal of Covington's Shoreline Master Program (SMP) public participation plan is:

To build support for timely adoption of a high quality SMP Update that meets state guidelines by fostering a culture of shoreline stewardship in as many stakeholders as possible and gaining informed consent of the remaining stakeholders.

The Public Participation Plan has been designed to:

- Comply with Washington State requirements and guidance (see Attachment A for applicable RCWs and WACs);
- Be consistent with the Covington Comprehensive Plan;
- Harness the energies and knowledge of members of the City's Planning Commission and other stakeholders to ensure that public issues and concerns are understood, considered and incorporated in the outcomes wherever possible; and
- Build on the experiences, observations and suggestions of colleagues in Covington and several other Puget Sound region cities and counties, the WRIA 9 Outreach Committee, and the Near Term Action Agenda

Guiding Comprehensive Plan Goals and Policies

The City of Covington will maintain a connection among citizens and City government by encouraging opportunities for citizen interaction. Specific policy guidance for public involvement in the Comprehensive Plan is provided below.

LNG 5.0 The City of Covington will provide for and promote public participation in the development and amendment of City polices and implementing regulations.

LNP 5.1 Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

EVP 1.9 Provide to property owners and prospective property owners general information concerning natural resources, hazard areas, and associated regulations.

UTP 4.1 Work with private property owner and the other public agencies to undertake joint planning, financing and development of regional storm water detention and flood control projects to mitigate run-off impacts on streams, rivers and their ecosystems, and reduce damage to adjoining properties.

Guiding Principles

Following are guiding principles for public participation that will be upheld throughout the Shoreline Mater Program Update public participation process:

- Conduct public involvement consistent with the Covington Comprehensive Plan, the Shoreline Management Act and the expectations of our stakeholders for transparent, open and responsive government.

- Obtain and use input from local stakeholders about opportunities and problems rather than solely relying on the opinions of "experts".

- Continually communicate the purpose, scope, objectives, and credibility of the public process.

- Define and effectively communicate the roles and interests of all participants.

- Make a special effort to contact the under-represented and hard-to-reach.

- Recognize and overcome barriers: physical, communication, economic, language, ethnic and social.

- Involve elected officials, all affected City departments, and neighboring jurisdictions during the process.

- Deal openly with differing levels of knowledge and conflict in order to maximize public input.

- Balance proactive and reactive techniques to ensure input is representative and inclusive.

- Maintain a tone that fosters creativity and encourages civility and mutual respect among all parties.

- Address both agreement on validity of the facts and understanding of varied opinions and values.

- Keep all written communication clear, concise, objective, and free of technical jargon.

- Address in written materials
  - The scientific information upon which proposals rely
  - Relevant existing policy and procedure, history of the issues and past City initiatives, and new requirements
  - Alternative approaches to resolving issues, and their respective advantages and disadvantages

- o Basics of the process, e.g., schedule, decision milestones, progress, and opportunities for involvement

- □ Use the local newspaper to provide general information to the public at large.

- □ Distribute information/feedback regularly to participants and at intervals to interested/affected parties.

- □ Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives.

- □ Use public input, follow-up, and assess by:
  - o Informing affected/interested parties of outcomes
  - o Evaluating process to identify successes and shortcomings, and communicate results to participants
  - o Evaluating the project's effects on community relationships and on perceptions of effectiveness of City processes

Key Parties

Key parties to engage during the Shoreline Master Program update include the following:

- □ Shoreline Master Program Update Task Force
- □ Covington City Council
- □ Covington Planning Commission
- □ Covington Parks and Recreation Commission
- □ Covington Economic Development Council
- □ Covington Chamber of Commerce
- □ Shoreline property owners
- □ Local residents
- □ Home owner's associations in key areas
- □ State agencies
- □ Tribes (e.g. Muckleshoot Tribe)
- □ Neighboring jurisdictions (e.g. cities of Kent, Maple Valley and Black Diamond, and King County)

Public Outreach Methods

After reviewing available techniques, the City has determined that a Task Force composed of, but not limited to, members of Planning Commission and other stakeholders will be an important vehicle for public involvement. Regular meetings of the Task Force will be used to get input and obtain informed consent on updates to the City's SMP. This is consistent with the City's tradition of harnessing the strengths and energies of community volunteers to provide key input on important City plans, policies and programs. Group members will be carefully chosen to try and reflect the range of interests, expertise and viewpoints found in the City.

In addition to the Task Force, the City will prepare press releases of SMP project updates and post them at City Hall, and on the City's website. The City will make special use of

the paper of record, The Covington Reporter. In addition to printing legal notices in the paper, the City intends to use the regular quarterly insert that it circulates in this paper specifically for outreach on this project. The City will also engage newspaper staff to encourage it to print articles about the Shoreline Master Program update. Early in the project the City will also prepare an informational mailing to send to all property owners within the shoreline jurisdictional area informing them of the project and how they can provide input. All public communications will include contact information for additional project information.

A series of study meetings culminating in public hearings will also be held by the Covington Planning Commission and the City Council. Other public outreach tools may be included as determined by the City.

The City will actively communicate also with all neighboring cities, King county, federal, state and local government agencies and tribes that have information or could be affected by the SMP Update. Finally, public hearings in front of the Planning Commission and City Council will ensure that there are sufficient opportunities for everyone to provide input on this SMP update that wants to do so.

Project Timeline and Opportunities for Public Input

Phase 1: Preliminary Assessment and Inventory of Shorelines

January - May '08

1. <u>Introduce project and public participation plan to the City Council.</u>
    a. Prepare a project process "snapshot" visual for the City Council.
    b. Introduce project to City elected/appointed officials, define the scope of public influence over the decision, and present the public participation plan.
    c. If City officials request revisions, send amended version to DOE for approval.

2. <u>Notify public about initiation of Shoreline Master Program Update Process</u>
    a. Create project title/slogan and logo for easy, positive recognition.
    b. Provide project information on the City's website, the newspaper, City Hall and potentially other in key locations to inform the general/larger public.
    c. Send an informational mailing to all property owners within the Shoreline jurisdictional area.

3. <u>Establish Shoreline Master Program Task Force.</u>
    a. Identify members of the Planning Commission and other stakeholders that represent the range of interests and expertise found in the City.
    b. Include a project process "snapshot" visual for inclusion in the mailing to prospective Task Force members.
    c. Send out an early "heads up" notice to members identified for participation on this Task Force. Plans currently call for a Task Force of 9 members.

Phase 2: Shoreline Analysis and Characterization

June '08

4. Task Force Meeting 1 – Establish common base of knowledge – Shoreline Analysis and Characterization
    a. Review project objectives, scope and opportunities for stakeholder influence.
    b. Share scientific information that has been collected through shoreline analysis and characterization reports and maps.
    c. Provide an opportunity for stakeholders to provide anecdotal information and first hand knowledge of habitat features, history, opportunities and problems.
    d. Share photos of nearshore conditions, educate about related ecological functions and obtain citizen preferences on desired future conditions.
    e. Bring in outside speaker(s) (check on WRIA Outreach Committee, DOE, NOAA Fisheries, and KC for possible speakers).
    f. Develop a future vision for the shoreline and identify shoreline management issues of local concern.

5. Press Release and Project Update
    a. Issue press release and post project update describing key findings of the shoreline analysis and characterization at City Hall and on the City's website.

Phase 3: Shoreline Policy, Environmental Designation, and Regulation Development

July – October '08

6. Task Force Meeting 2 – Review and Discuss proposed changes to Shoreline Environmental Designations, Goals and Policies
    a. Review and discuss proposed general SMP policies and regulations.
    b. Review and discuss proposed environmental designations.
    c. Explore and document stakeholders' views about specific possible changes to the SMP.

7. Task Force Meetings 3 and 4 – Review and Discuss proposed changes to Specific Shoreline Use and Modification Polices, Regulations and Standards
    a. Review and discuss proposed shoreline use and modification activity goals and policies by environmental designation.
    b. Review and discuss proposed permitted and prohibited uses by environmental designation.
    c. Review and discuss bulk dimensional standards (buffers, setbacks, density, etc.) by environmental designation.

8. Press Release and Project Update II
    a. Issue press release and project update describing DRAFT SMP goals, policies, and regulations.

9. Task Force Meeting 5 – Review and Discuss DRAFT SMP

a. Provide an opportunity for Task Force members to provide any additional comments on DRAFT SMP.

Phase 4: Cumulative Impacts Analysis and Restoration Planning

November - March '09

10. Press Release and Project Update III
    a. Issue press release and post project update describing Cumulative Impacts Analysis and Draft Restoration Plan.

11. Task Force Meeting 6 – Review and Discuss Cumulative Impacts Report, Draft Restoration Plan and any necessary changes to the Draft SMP as a result
    a. Review and discuss report on Cumulative Impacts
    b. Review and discuss Draft Restoration Plan
    c. Solicit input on
        i. How to increase public shoreline access,
        ii. Past shoreline restoration efforts, and
        iii. Specific opportunities for shoreline restoration in the future.

12. Complete all revisions to SMP documents based on additional analysis and public input received to date.

Phase 5: Shoreline Master Program Adoption Process

April – December'09

13. Press Release and Project Update IV
    a. Issue press release and post project update describing timeline for Planning Commission and City Council adoption process.

14. Series of study sessions and public hearings held by the Covington Planning Commission and City Council. Draft is adopted by City and sent to DOE by September 2009

15. Following City Council action, distribute to stakeholders the City Council's response to input and any final DOE comments and revisions prior to final adoption (by December 2009)

Attachment A – Applicable Sections of the Washington Administrative Code (WAC) and Revised Code of Washington (RCW)

State Rule (W.A.C.) Requirements for Public Involvement, Communication, and Coordination

1. Document pubic involvement throughout SMP development process.
   a. WAC 173-26-201(3)(b)(i)
   b. WAC 173-26-090 and 100
   c. For SSWS, see WAC 173-26-251(3)(a)

2. Document communication with state agencies and affected Indian tribes throughout SMP development.
   a. WAC 173-26-201(3)(b)(ii) and (iii)
   b. WAC 173-26-100(3)
   c. For SSWS, see WAC 173-26-251(3)(a)

The text of the WAC sections cited above and the WAC and RCW sections they refer to are included below:

WAC 173-26-201(3)(b)(i)
(b) **Participation process.**
(i) **Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states [in its entirety]:

"*To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."

Additionally, the provisions of WAC 173-26-100 apply and include provisions to assure proper public participation and, for local governments planning under the Growth Management Act, the provisions of RCW 36.70A.140 also apply.

At a minimum, all local governments shall be prepared to describe and document

their methods to ensure that all interested parties have a meaningful opportunity to participate.

WAC 173-26-100 Local process for approving/amending shoreline master programs.
Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:
(1) Conduct at least one public hearing to consider the draft proposal;
(2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
(a) Reference to the authority(s) under which the action(s) is proposed;
(b) A statement or summary of the proposed changes to the master program;
(c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
(d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;
(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
(7) Approve the proposal.
[Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-100, filed 9/30/96, effective 10/31/96.]

RCW 36.70A.140 Comprehensive plans -- Ensure public participation.

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. [1995 c 347 § 107; 1990 1st ex.s. c 17 § 14.]

WAC 365-195-600 Public participation.

(l) **Requirements.** Each county and city planning under the act shall establish procedures for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive plan or development regulations invalid if the spirit of the procedures is observed.

(2) **Recommendations for meeting requirements.** The recommendations made in this subsection are intended as a list of possible choices, but it is recognized that meaningful public participation can be accomplished without using all of the suggestions made here or by adopting other methods.

(a) Public involvement in plan and regulation development.

(i) In designing its public participation program, each planning jurisdiction should endeavor to involve the broadest cross-section of the community, so that groups not previously involved in planning become involved. The programs should include efforts to explain that citizen input is an essential part of the planning process and provide a framework for advising citizens about timelines for steps in the process and when citizen input will be sought.

(ii) Visioning. The public should be involved at the earliest possible time in the process of comprehensive planning under the act. This should begin with a visioning process in which the public is invited to participate in a broad definition of the kind of future to be sought for the community. The results of this process should then be incorporated into

the plan features, including, but not limited to, locally adopted levels of service and densities selected for commercial, industrial, and residential development.

(iii) Planning commission. In the process of plan development, full use should be made of the planning commission as a liaison with the public.

(iv) Public meetings on draft plan. Once the plan is completed in draft form, or as parts of it are drafted, a series of public meetings or workshops should be held at various locations throughout the jurisdiction to obtain public reaction and suggestions.

(v) Public hearings. When the final draft of the plan has been completed, at least one public hearing should be held prior to the presentation of the final draft to the legislative authority of the jurisdiction adopting it. When the plan is proposed for adoption, the legislative authority should conduct another public hearing prior to voting on adoption.

(vi) Written comment. At each stage of the process when public input is sought, opportunity should be provided to make written comment.

(vii) Communication programs and information services. Each jurisdiction should make every effort to collect and disseminate public information explaining the act and the process involved in complying with it. In addition, locally relevant information packets and brochures should be developed and disseminated. Planners should actively seek to appear before community groups to explain the act and the plan development process.

(viii) Proposals and alternatives. Whenever public input is sought on proposals and alternatives, the relevant drafts should be reproduced and made available to interested persons.

(ix) Notice. Notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media. Notice should be published in a newspaper of general circulation at least one week in advance of any public hearing. When appropriate, notices should announce the availability of relevant draft documents on request.

(x) All meetings and hearings to which the public is invited should be free and open. At hearings all persons desiring to speak should be allowed to do so, consistent with time constraints.

(xi) Consideration of and response to public comments. All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

(xii) Every effort should be made to incorporate public involvement efforts into the SEPA process.

(xiii) Except for the visioning effort, the same steps should precede the adoption of development regulations as was used for the comprehensive plan.

(b) Continuous public involvement. The planning commission should monitor development of both the plan and the development regulations. After these are adopted, the commission should monitor compliance. The commission should report to the city or county at least annually on possible amendments to the plan or development regulations. In addition at least annually, the commission should convene a public meeting to provide information on how implementation is progressing and to receive public input on changes that may be needed. When any amendments are proposed for adoption, the same public hearing procedure should be followed as attended initial adoption. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-600, filed 11/17/92, effective 12/18/92.]

RCW 36.70A.106 Comprehensive plans -- Development regulations -- Transmittal to state -- Amendments -- Expedited review.

(1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3)(a) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

(b) Each county and city planning under this chapter may request expedited review for any amendments for permanent changes to a development regulation. Upon receiving a request for expedited review, and after consultation with other state agencies, the department may grant expedited review if the department determines that expedited review does not compromise the state's ability to provide timely comments related to compliance with the goals and requirements of this chapter or on other matters of state interest. Cities and counties may adopt amendments for permanent changes to a development regulation immediately following the granting

of the request for expedited review by the department. [2004 c 197 § 1; 1991 sp.s. c 32 § 8.]

RCW 36.70A.040 Who must plan -- Summary of requirements -- Development regulations must implement comprehensive plans.

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

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

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform to all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or

before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations

by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

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

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000. [2000 c 36 § 1; 1998 c 171 § 1; 1995 c 400 § 1; 1993 sp.s. c 6 § 1; 1990 1st ex.s. c 17 § 4.]

WAC 173-26-090 Periodic review -- Public involvement encouraged -- Amendment of comprehensive plans, development regulations and master programs. Each local government should periodically review a shoreline master program under its jurisdiction and make amendments to the master program deemed necessary to reflect changing local circumstances, new information or improved data. Each local government shall also review any master program under its jurisdiction and make amendments to the master program necessary to comply with the requirements of RCW 90.58.080 and any applicable guidelines issued by the department. When the amendment is consistent with chapter 90.58 RCW and its applicable guidelines, it may be approved by local government and the department or adopted by rule when appropriate by the department.

In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. [Statutory Authority: RCW 90.58.140(3) and [90.58].200. 96-20-075 (Order 95-17), § 173-26-090, filed 9/30/96, effective 10/31/96.]

RCW 90.58.080 Timetable for local governments to develop or amend master programs -- Review of master programs -- Grants.

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

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

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

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

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

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

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

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

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

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

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

(4) Local governments shall conduct a review of their master programs at least once every seven years after the applicable dates established by subsection (2)(a)(iii)

through (vi) of this section. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

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

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

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

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

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

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

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003. [2003 c 262 § 2; 1995 c 347 § 305; 1974 ex.s. c 61 § 1; 1971 ex.s. c 286 § 8.]

RCW 90.58.130 Involvement of all persons and entities having interest, means.

To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments. [1971 ex.s. c 286 § 13.]

RCW 36.70A.130 Comprehensive plans -- Review -- Amendments.

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore.

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

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

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

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

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

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; and

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months.

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

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

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

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations

to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsection (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

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

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

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

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section and those counties and cities demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that

protect critical areas is deemed to be making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section.

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section.

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance. [2005 c 423 § 6; 2005 c 294 § 2; 2002 c 320 § 1; 1997 c 429 § 10; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

NOTES:

Reviser's note: This section was amended by 2005 c 294 § 2 and by 2005 c 423 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent -- Effective date -- 2005 c 423: See notes following RCW 36.70A.030.

Intent -- 2005 c 294: "The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts." [2005 c 294 § 1.]

Effective date -- 2005 c 294: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 5, 2005]." [2005 c 294 § 3.]

WAC 173-26-251(3)(a)

(3) ***Master program provisions for shorelines of statewide significance.*** Because shorelines of statewide significance are major resources from which all people of the state derive benefit, local governments that are preparing master program provisions for shorelines of statewide significance shall implement the following:

(a) **Statewide interest.** To recognize and protect statewide interest over local interest, consult with applicable state agencies, affected Indian tribes, and statewide interest groups and consider their recommendations in preparing shoreline master program provisions. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations. For example, if an anadromous fish species is affected, the Washington state departments of fish and wildlife and ecology and the governor's salmon recovery office, as well as affected Indian tribes, should, at a minimum, be consulted.

WAC 173-26-201(3)(b)(ii)

(3) **Steps in preparing and amending a master program.**

(b) **Participation process.**

(ii) **Communication with state agencies.** Before undertaking substantial work, local governments shall notify applicable state agencies to identify state interests, relevant regional and statewide efforts, available information, and methods for coordination and input. Contact the department for a list of applicable agencies to be notified.

(iii) **Communication with affected Indian tribes.** Prior to undertaking substantial work, local governments shall notify affected Indian tribes to identify tribal interests, relevant tribal efforts, available information and methods for coordination and input. Contact the individual tribes or coordinating bodies such as the Northwest Indian Fisheries Commission, for a list of affected Indian tribes to be notified.

Attachment B - Comparison of Public Participation Tools

- TASK FORCE/AD HOC COMMITTEE (a temporary committee composed of members of the Planning Commission, and other stakeholders whose charge is to receive information about the process, applicable laws and the resources and make informal policy and regulatory recommendations through a series of public meetings)

  Tips:
  - Know the individual participants and their issues
  - Prepare a well-planned and structured meeting, but provide time for more informal input, private communication and one-on-one conversations to accommodate different styles and get the most out of group members.

  Advantages:
  - Excellent for discussions on criteria or analysis of alternatives
  - Ability to draw on other team members to answer difficult questions
  - Builds credibility with key stakeholders
  - Maximizes feedback obtained from participants
  - Good forum for achieving informed consent

  Possible drawbacks:
  - Certain members may dominate group discussion
  - Viewpoints of group members may not reflect wider interests
  - Care must be taken to choose range of members that are a good reflection of larger community
  - Active facilitation necessary

- WORKSHOP (an informal public meeting that may include a presentation and exhibits but ends with interactive working groups)

  Tips:
  - Know how you plan to use public input before you hold the workshop
  - Conduct training in advance with small group facilitators. Each should receive a list of instructions, especially where procedures involve weighting/ranking of factors or criteria

  Advantages:
  - Excellent for discussions on criteria or analysis of alternatives
  - Fosters small group or one-to-one communication
  - Ability to draw on other team members to answer difficult questions
  - Builds credibility
  - Maximizes feedback obtained from participants
  - Fosters public ownership in solving the problem

  Possible drawbacks:
  - Hostile participants may resist what they perceive to be the “divide and conquer” strategy of breaking into small groups
  - Several small-group facilitators may be necessary
  - Difficult forum for achieving informed consent

- DELIBERATE POLLING (measures informed opinion on an issue)

  Tips:

- Do not expect or encourage participants to develop a shared view
- Hire a facilitator experienced in this technique

Advantages:

- Can tell decision-makers what the public would think if they had more time and information
- Exposure to different backgrounds, arguments, and views

Possible drawbacks:

- Resource intensive and prohibitive for this project