
HOUSE BILL 2342

State of Washington

66th Legislature

2020 Regular Session

By Representative Fitzgibbon

Prefiled 01/09/20.

1 AN ACT Relating to aligning the timing of comprehensive plan
2 updates required by the growth management act with the timing of
3 shoreline master program updates required by the shoreline management
4 act; amending RCW 36.70A.130 and 90.58.080; and providing an
5 effective date.

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

7 **Sec. 1.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
8 read as follows:

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

17 (b) Except as otherwise provided, a county or city not planning
18 under RCW 36.70A.040 shall take action to review and, if needed,
19 revise its policies and development regulations regarding critical
20 areas and natural resource lands adopted according to this chapter to
21 ensure these policies and regulations comply with the requirements of

1 this chapter according to the deadlines in subsections (4) and (5) of
2 this section. Legislative action means the adoption of a resolution
3 or ordinance following notice and a public hearing indicating at a
4 minimum, a finding that a review and evaluation has occurred and
5 identifying the revisions made, or that a revision was not needed and
6 the reasons therefor.

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

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

16 (2)(a) Each county and city shall establish and broadly
17 disseminate to the public a public participation program consistent
18 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
19 schedules whereby updates, proposed amendments, or revisions of the
20 comprehensive plan are considered by the governing body of the county
21 or city no more frequently than once every year, except that, until
22 December 31, 2015, the program shall provide for consideration of
23 amendments of an urban growth area in accordance with RCW 36.70A.1301
24 once every year. "Updates" means to review and revise, if needed,
25 according to subsection (1) of this section, and the deadlines in
26 subsections (4) and (5) of this section or in accordance with the
27 provisions of subsection (~~((6))~~) (7) of this section. Amendments may
28 be considered more frequently than once per year under the following
29 circumstances:

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

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

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

3 (iv) The amendment of the capital facilities element of a
4 comprehensive plan that occurs concurrently with the adoption or
5 amendment of a county or city budget; or

6 (v) The adoption of comprehensive plan amendments necessary to
7 enact a planned action under RCW (~~(43.21C.031(2))~~) 43.21C.440,
8 provided that amendments are considered in accordance with the public
9 participation program established by the county or city under this
10 subsection (2)(a) and all persons who have requested notice of a
11 comprehensive plan update are given notice of the amendments and an
12 opportunity to comment.

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

21 (3)(a) Each county that designates urban growth areas under RCW
22 36.70A.110 shall review, according to the schedules established in
23 subsection (5) of this section, its designated urban growth area or
24 areas, and the densities permitted within both the incorporated and
25 unincorporated portions of each urban growth area. In conjunction
26 with this review by the county, each city located within an urban
27 growth area shall review the densities permitted within its
28 boundaries, and the extent to which the urban growth occurring within
29 the county has located within each city and the unincorporated
30 portions of the urban growth areas.

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

38 (4) Except as provided in subsection (~~(6)~~) (7) of this section,
39 counties and cities shall take action to review and, if needed,
40 revise their comprehensive plans and development regulations to

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

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

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

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

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

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

23 (a) On or before June 30, (~~(2015))~~ 2024, and every (~~(eight))~~ ten
24 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
25 and the cities within those counties;

26 (b) On or before June 30, (~~(2016))~~ 2025, and every (~~(eight))~~ ten
27 years thereafter, for Clallam, Clark, Island, Jefferson, (~~(Kitsap))~~
28 Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and
29 the cities within those counties;

30 (c) On or before June 30, (~~(2017))~~ 2026, and every (~~(eight))~~ ten
31 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,
32 Kittitas, (~~(Lewis,))~~ Skamania, Spokane, Walla Walla, and Yakima
33 counties and the cities within those counties; and

34 (d) On or before June 30, (~~(2018))~~ 2027, and every (~~(eight))~~ ten
35 years thereafter, for Adams, Asotin, Columbia, Ferry, (~~(Franklin,))~~
36 Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific,
37 Pend Oreille, Stevens, Wahkiakum, (~~(Walla Walla,))~~ and Whitman
38 counties and the cities within those counties.

39 (6) (a) No later than five years after each of the deadlines for
40 the review and possible revision of comprehensive plans and

1 development regulations specified in subsection (5) of this section,
2 counties and cities shall take additional action to review and, if
3 needed, revise the following specific elements of their comprehensive
4 plans and development regulations to ensure the plan and regulations
5 comply with the requirements of this chapter:

6 (i) The housing element of the comprehensive plan; and

7 (ii) The protection of critical areas as provided in the rural
8 element of the comprehensive plan, in order to incorporate the best
9 available science regarding the protection of critical areas.

10 (b) The department shall adopt rules to specify additional
11 elements, if any, of comprehensive plans and development regulations
12 that must be updated pursuant to this subsection (6) in order to
13 ensure that comprehensive plans and development regulations comply
14 with the requirements of this chapter.

15 (c) Updates to comprehensive plans and development regulations
16 made pursuant to this subsection (6) are subject to appeal to the
17 growth management hearings board under RCW 36.70A.280.

18 (7)(a) Nothing in this section precludes a county or city from
19 conducting the review and evaluation required by this section before
20 the deadlines established in subsections (4) and (5) of this section.
21 Counties and cities may begin this process early and may be eligible
22 for grants from the department, subject to available funding, if they
23 elect to do so.

24 (b) A county that is subject to a deadline established in
25 subsection (4)(b) through (d) of this section and meets the following
26 criteria may comply with the requirements of this section at any time
27 within the thirty-six months following the deadline established in
28 subsection (4) of this section: The county has a population of less
29 than fifty thousand and has had its population increase by no more
30 than seventeen percent in the ten years preceding the deadline
31 established in subsection (4) of this section as of that date.

32 (c) A city that is subject to a deadline established in
33 subsection (4)(b) through (d) of this section and meets the following
34 criteria may comply with the requirements of this section at any time
35 within the thirty-six months following the deadline established in
36 subsection (4) of this section: The city has a population of no more
37 than five thousand and has had its population increase by the greater
38 of either no more than one hundred persons or no more than seventeen
39 percent in the ten years preceding the deadline established in
40 subsection (4) of this section as of that date.

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

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

15 (f) A city that is subject to a deadline established in
16 subsection (5)(b) through (d) of this section and meets the following
17 criteria may comply with the requirements of this section at any time
18 within the twenty-four months following the deadline established in
19 subsection (5) of this section: The city has a population of no more
20 than five thousand and has had its population increase by the greater
21 of either no more than one hundred persons or no more than seventeen
22 percent in the ten years preceding the deadline established in
23 subsection (5) of this section as of that date.

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

27 (~~((7))~~) (8)(a) The requirements imposed on counties and cities
28 under this section shall be considered "requirements of this chapter"
29 under the terms of RCW 36.70A.040(1). Only those counties and cities
30 that meet the following criteria may receive grants, loans, pledges,
31 or financial guarantees under chapter 43.155 or 70.146 RCW:

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

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

36 (iii) Complying with the extension provisions of subsection
37 (~~((6))~~) (7)(b), (c), or (d) of this section.

38 (b) A county or city that is fewer than twelve months out of
39 compliance with the schedules in this section for development
40 regulations that protect critical areas is making substantial

1 progress towards compliance. Only those counties and cities in
2 compliance with the schedules in this section may receive preference
3 for grants or loans subject to the provisions of RCW 43.17.250.

4 ~~((+8))~~ (9)(a) Except as otherwise provided in (c) of this
5 subsection, if a participating watershed is achieving benchmarks and
6 goals for the protection of critical areas functions and values, the
7 county is not required to update development regulations to protect
8 critical areas as they specifically apply to agricultural activities
9 in that watershed.

10 (b) A county that has made the election under RCW 36.70A.710(1)
11 may only adopt or amend development regulations to protect critical
12 areas as they specifically apply to agricultural activities in a
13 participating watershed if:

14 (i) A work plan has been approved for that watershed in
15 accordance with RCW 36.70A.725;

16 (ii) The local watershed group for that watershed has requested
17 the county to adopt or amend development regulations as part of a
18 work plan developed under RCW 36.70A.720;

19 (iii) The adoption or amendment of the development regulations is
20 necessary to enable the county to respond to an order of the growth
21 management hearings board or court;

22 (iv) The adoption or amendment of development regulations is
23 necessary to address a threat to human health or safety; or

24 (v) Three or more years have elapsed since the receipt of
25 funding.

26 (c) Beginning ten years from the date of receipt of funding, a
27 county that has made the election under RCW 36.70A.710(1) must review
28 and, if necessary, revise development regulations to protect critical
29 areas as they specifically apply to agricultural activities in a
30 participating watershed in accordance with the review and revision
31 requirements and timeline in subsection (5) of this section. This
32 subsection ~~((+8))~~ (9)(c) does not apply to a participating watershed
33 that has determined under RCW 36.70A.720(2)(c)(ii) that the
34 watershed's goals and benchmarks for protection have been met.

35 **Sec. 2.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to
36 read as follows:

37 (1) Local governments shall develop or amend a master program for
38 regulation of uses of the shorelines of the state consistent with the

1 required elements of the guidelines adopted by the department in
2 accordance with the schedule established by this section.

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

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

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

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

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

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

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

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

30 (3) (a) Following approval by the department of a new or amended
31 master program, local governments required to develop or amend master
32 programs on or before December 1, 2009, as provided by subsection
33 (2) (a) (i) and (ii) of this section, shall be deemed to have complied
34 with the schedule established by subsection (2) (a) (iii) of this
35 section and shall not be required to complete master program
36 amendments until the applicable dates established by subsection
37 (4) (b) of this section. Any jurisdiction listed in subsection
38 (2) (a) (i) of this section that has a new or amended master program
39 approved by the department on or after March 1, 2002, but before July
40 27, 2003, shall not be required to complete master program amendments

1 until the applicable date provided by subsection (4)(b) of this
2 section.

3 (b) Following approval by the department of a new or amended
4 master program, local governments choosing to develop or amend master
5 programs on or before December 1, 2009, shall be deemed to have
6 complied with the schedule established by subsection (2)(a)(iii)
7 through (vi) of this section and shall not be required to complete
8 master program amendments until the applicable dates established by
9 subsection (4)(b) of this section.

10 (4)(a) Following the updates required by subsection (2) of this
11 section, local governments shall conduct a review of their master
12 programs at least once every ~~((eight))~~ ten years as required by (b)
13 of this subsection. Following the review required by this subsection
14 (4), local governments shall, if necessary, revise their master
15 programs. The purpose of the review is:

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

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

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

25 (i) On or before June 30, ~~((2019))~~ 2029, and every ~~((eight))~~ ten
26 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
27 and the cities within those counties;

28 (ii) On or before June 30, ~~((2020))~~ 2030, and every ~~((eight))~~ ten
29 years thereafter, for Clallam, Clark, Island, Jefferson, ~~((Kitsap))~~
30 Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and
31 the cities within those counties;

32 (iii) On or before June 30, ~~((2021))~~ 2031, and every ~~((eight))~~
33 ten years thereafter, for Benton, Chelan, Cowlitz, Douglas,
34 ~~((Grant,))~~ Franklin, Kittitas, ~~((Lewis,))~~ Skamania, Spokane, Walla
35 Walla, and Yakima counties and the cities within those counties; and

36 (iv) On or before June 30, ~~((2022))~~ 2032, and every ~~((eight))~~ ten
37 years thereafter, for Adams, Asotin, Columbia, Ferry, ~~((Franklin,))~~
38 Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific,
39 Pend Oreille, Stevens, Wahkiakum, ~~((Walla—Walla,))~~ and Whitman
40 counties and the cities within those counties.

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

11 (6) In meeting the update requirements of subsection (2) of this
12 section, the following shall apply:

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

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

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

35 (7) In meeting the update requirements of subsection (2) of this
36 section, all local governments subject to the requirements of this
37 chapter that have not developed or amended master programs on or
38 after March 1, 2002, shall, no later than December 1, 2014, develop
39 or amend their master programs to comply with guidelines adopted by
40 the department after January 1, 2003.

1 (8) In meeting the update requirements of subsection (2) of this
2 section, local governments may be provided an additional year beyond
3 the deadlines in this section to complete their master program or
4 amendment. The department shall grant the request if it determines
5 that the local government is likely to adopt or amend its master
6 program within the additional year.

7 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1,
8 2022.

--- END ---