
SUBSTITUTE HOUSE BILL 2342

State of Washington

66th Legislature

2020 Regular Session

By House Environment & Energy (originally sponsored by Representatives Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet, and Appleton)

READ FIRST TIME 02/07/20.

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~~) subsections (4) and (5) of this section, its
24 designated urban growth area or areas, and the densities permitted
25 within both the incorporated and unincorporated portions of each
26 urban growth area. In conjunction with this review by the county,
27 each city located within an urban growth area shall review the
28 densities permitted within its boundaries, and the extent to which
29 the urban growth occurring within the county has located within each
30 city and the unincorporated 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) 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, ((and every eight years~~
24 ~~thereafter,)) for King, Pierce, and Snohomish counties and the cities~~
25 ~~within those counties;~~

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

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

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

39 (5) Except as otherwise provided in subsections (7) and (9) of
40 this section, following the review of comprehensive plans and

1 development regulations required by subsection (4) of this section,
2 counties and cities shall take action to review and, if needed,
3 revise their comprehensive plans and development regulations to
4 ensure the plan and regulations comply with the requirements of this
5 chapter as follows:

6 (a) On or before June 30, 2024, and every ten years thereafter,
7 for King, Kitsap, Pierce, and Snohomish counties and the cities
8 within those counties;

9 (b) On or before June 30, 2025, and every ten years thereafter,
10 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,
11 Skagit, Thurston, and Whatcom counties and the cities within those
12 counties;

13 (c) On or before June 30, 2026, and every ten years thereafter,
14 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,
15 Spokane, Walla Walla, and Yakima counties and the cities within those
16 counties; and

17 (d) On or before June 30, 2027, and every ten years thereafter,
18 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,
19 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
20 Wahkiakum, and Whitman counties and the cities within those counties.

21 (6) (a) No later than five years after each of the deadlines for
22 the review and possible revision of comprehensive plans and
23 development regulations specified in subsection (5) of this section,
24 counties and cities shall take additional action to review and, if
25 needed, revise the following specific elements of their comprehensive
26 plans and development regulations to ensure the plan and regulations
27 comply with the requirements of this chapter:

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

29 (ii) Development regulations that protect critical areas, in
30 order to incorporate the best available science regarding the
31 protection of critical areas.

32 (b) The department shall adopt rules to specify additional
33 elements, if any, of comprehensive plans and development regulations
34 that must be updated pursuant to this subsection (6) in order to
35 ensure that comprehensive plans and development regulations comply
36 with the requirements of this chapter.

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

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

7 ~~(b) ((A county that is subject to a deadline established in~~
8 ~~subsection (4)(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 thirty-six months following the deadline established in~~
11 ~~subsection (4) 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 (4) of this section as of that date.~~

15 ~~(c) A city that is subject to a deadline established in~~
16 ~~subsection (4)(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 thirty-six months following the deadline established in~~
19 ~~subsection (4) 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 (4) of this section as of that date.~~

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

30 ~~(e))~~ A county that is subject to a deadline established in
31 subsection (5)(b) through (d) or (6) of this section and meets the
32 following criteria may comply with the requirements of this section
33 at any time within the twenty-four months following the deadline
34 established in subsection (5) or (6) of this section: The county has
35 a population of less than fifty thousand and has had its population
36 increase by no more than seventeen percent in the ten years preceding
37 the deadline established in subsection (5) of this section as of that
38 date.

39 ~~((f))~~ (c) A city that is subject to a deadline established in
40 subsection (5)(b) through (d) or (6) of this section and meets the

1 following criteria may comply with the requirements of this section
2 at any time within the twenty-four months following the deadline
3 established in subsection (5) or (6) of this section: The city has a
4 population of no more than five thousand and has had its population
5 increase by the greater of either no more than one hundred persons or
6 no more than seventeen percent in the ten years preceding the
7 deadline established in subsection (5) of this section as of that
8 date.

9 ~~((g))~~ (d) State agencies are encouraged to provide technical
10 assistance to the counties and cities in the review of critical area
11 ordinances, comprehensive plans, and development regulations.

12 ~~((7))~~ (8)(a) The requirements imposed on counties and cities
13 under this section shall be considered "requirements of this chapter"
14 under the terms of RCW 36.70A.040(1). Only those counties and cities
15 that meet the following criteria may receive grants, loans, pledges,
16 or financial guarantees under chapter 43.155 or 70.146 RCW:

17 (i) Complying with the deadlines in this section; or

18 (ii) Demonstrating substantial progress towards compliance with
19 the schedules in this section for development regulations that
20 protect critical areas ~~((; or~~

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

23 (b) A county or city that is fewer than twelve months out of
24 compliance with the schedules in this section for development
25 regulations that protect critical areas is making substantial
26 progress towards compliance. Only those counties and cities in
27 compliance with the schedules in this section may receive preference
28 for grants or loans subject to the provisions of RCW 43.17.250.

29 ~~((8))~~ (9)(a) Except as otherwise provided in (c) of this
30 subsection, if a participating watershed is achieving benchmarks and
31 goals for the protection of critical areas functions and values, the
32 county is not required to update development regulations to protect
33 critical areas as they specifically apply to agricultural activities
34 in that watershed.

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

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

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

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

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

9 (v) Three or more years have elapsed since the receipt of
10 funding.

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

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

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

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

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

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

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

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

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

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

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

14 (3)(a) Following approval by the department of a new or amended
15 master program, local governments required to develop or amend master
16 programs on or before December 1, 2009, as provided by subsection
17 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
18 with the schedule established by subsection (2)(a)(iii) of this
19 section and shall not be required to complete master program
20 amendments until the applicable dates established by subsection
21 (4)(b) of this section. Any jurisdiction listed in subsection
22 (2)(a)(i) of this section that has a new or amended master program
23 approved by the department on or after March 1, 2002, but before July
24 27, 2003, shall not be required to complete master program amendments
25 until the applicable date provided by subsection (4)(b) of this
26 section.

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

34 (4)(a) Following the updates required by subsection (2) of this
35 section, local governments shall conduct a review of their master
36 programs at least once every (~~eight~~) ten years as required by (b)
37 of this subsection. Following the review required by this subsection
38 (4), local governments shall, if necessary, revise their master
39 programs. The purpose of the review is:

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

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

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

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

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

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

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

26 (5) In meeting the (~~(update)~~) review requirements of subsection
27 (~~(2)~~) (4) of this section, local governments are encouraged to
28 begin the process of developing or amending their master programs
29 early and are eligible for grants from the department as provided by
30 RCW 90.58.250, subject to available funding. Except for those local
31 governments listed in subsection (2)(a)(i) and (ii) of this section,
32 the deadline for completion of the new or amended master programs
33 shall be two years after the date the grant is approved by the
34 department. Subsequent master program review dates shall not be
35 altered by the provisions of this subsection.

36 (6) In meeting the (~~(update)~~) review requirements of subsection
37 (~~(2)~~) (4) of this section, the following shall apply:

38 (a) Grants to local governments for (~~(developing and amending)~~)
39 reviewing master programs pursuant to the schedule established by
40 this section shall be provided at least two years before the adoption

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

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

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

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

26 (8) In meeting the (~~update~~) review requirements of subsection
27 (~~(2)~~) (4) of this section, local governments may be provided an
28 additional year beyond the deadlines in this section to complete
29 their master program or amendment. The department shall grant the
30 request if it determines that the local government is likely to adopt
31 or amend its master program within the additional year.

32 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1,
33 2025.

--- END ---