
HOUSE BILL 2427

State of Washington

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By Representatives Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman, and Wylie

Read first time 01/14/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to tackling climate change as a goal of the
2 growth management act; and amending RCW 36.70A.020 and 36.70A.480.

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

4 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
5 read as follows:

6 The following goals are adopted to guide the development and
7 adoption of comprehensive plans and development regulations of those
8 counties and cities that are required or choose to plan under RCW
9 36.70A.040 and, where specified, also guide the development of
10 regional policies, plans, and strategies adopted under RCW 36.70A.210
11 and chapter 47.80 RCW. The following goals are not listed in order of
12 priority and shall be used exclusively for the purpose of guiding the
13 development of comprehensive plans (~~and~~), development regulations,
14 and, where specified, regional plans, policies, and strategies:

15 (1) Urban growth. Encourage development in urban areas where
16 adequate public facilities and services exist or can be provided in
17 an efficient manner.

18 (2) Reduce sprawl. Reduce the inappropriate conversion of
19 undeveloped land into sprawling, low-density development.

1 (3) Transportation. Encourage efficient multimodal transportation
2 systems that are based on regional priorities and coordinated with
3 county and city comprehensive plans.

4 (4) Housing. Encourage the availability of affordable housing to
5 all economic segments of the population of this state, promote a
6 variety of residential densities and housing types, and encourage
7 preservation of existing housing stock.

8 (5) Economic development. Encourage economic development
9 throughout the state that is consistent with adopted comprehensive
10 plans, promote economic opportunity for all citizens of this state,
11 especially for unemployed and for disadvantaged persons, promote the
12 retention and expansion of existing businesses and recruitment of new
13 businesses, recognize regional differences impacting economic
14 development opportunities, and encourage growth in areas experiencing
15 insufficient economic growth, all within the capacities of the
16 state's natural resources, public services, and public facilities.

17 (6) Property rights. Private property shall not be taken for
18 public use without just compensation having been made. The property
19 rights of landowners shall be protected from arbitrary and
20 discriminatory actions.

21 (7) Permits. Applications for both state and local government
22 permits should be processed in a timely and fair manner to ensure
23 predictability.

24 (8) Natural resource industries. Maintain and enhance natural
25 resource-based industries, including productive timber, agricultural,
26 and fisheries industries. Encourage the conservation of productive
27 forestlands and productive agricultural lands, and discourage
28 incompatible uses.

29 (9) Open space and recreation. Retain open space, enhance
30 recreational opportunities, conserve fish and wildlife habitat,
31 increase access to natural resource lands and water, and develop
32 parks and recreation facilities.

33 (10) Environment. Protect the environment and enhance the state's
34 high quality of life, including air and water quality, and the
35 availability of water.

36 (11) Citizen participation and coordination. Encourage the
37 involvement of citizens in the planning process and ensure
38 coordination between communities and jurisdictions to reconcile
39 conflicts.

1 (12) Public facilities and services. Ensure that those public
2 facilities and services necessary to support development shall be
3 adequate to serve the development at the time the development is
4 available for occupancy and use without decreasing current service
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 (14) Climate change. Ensure that comprehensive plans, development
10 regulations, and regional policies, plans, and strategies under RCW
11 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of
12 a changing climate; support state greenhouse gas emission reduction
13 requirements and state vehicle miles traveled goals; build resilient
14 infrastructure; and nurture environmental, economic, and human
15 health.

16 **Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to
17 read as follows:

18 (1) For shorelines of the state, the goals and policies of the
19 shoreline management act as set forth in RCW 90.58.020 are added as
20 one of the goals of this chapter as set forth in RCW 36.70A.020
21 without creating an order of priority among the (~~fourteen~~) fifteen
22 goals. The goals and policies of a shoreline master program for a
23 county or city approved under chapter 90.58 RCW shall be considered
24 an element of the county or city's comprehensive plan. All other
25 portions of the shoreline master program for a county or city adopted
26 under chapter 90.58 RCW, including use regulations, shall be
27 considered a part of the county or city's development regulations.

28 (2) The shoreline master program shall be adopted pursuant to the
29 procedures of chapter 90.58 RCW rather than the goals, policies, and
30 procedures set forth in this chapter for the adoption of a
31 comprehensive plan or development regulations.

32 (3) (a) The policies, goals, and provisions of chapter 90.58 RCW
33 and applicable guidelines shall be the sole basis for determining
34 compliance of a shoreline master program with this chapter except as
35 the shoreline master program is required to comply with the internal
36 consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125,
37 and 35A.63.105.

38 (b) Except as otherwise provided in (c) of this subsection,
39 development regulations adopted under this chapter to protect

1 critical areas within shorelines of the state apply within shorelines
2 of the state until the department of ecology approves one of the
3 following: A comprehensive master program update, as defined in RCW
4 90.58.030; a segment of a master program relating to critical areas,
5 as provided in RCW 90.58.090; or a new or amended master program
6 approved by the department of ecology on or after March 1, 2002, as
7 provided in RCW 90.58.080. The adoption or update of development
8 regulations to protect critical areas under this chapter prior to
9 department of ecology approval of a master program update as provided
10 in this subsection is not a comprehensive or segment update to the
11 master program.

12 (c) (i) Until the department of ecology approves a master program
13 or segment of a master program as provided in (b) of this subsection,
14 a use or structure legally located within shorelines of the state
15 that was established or vested on or before the effective date of the
16 local government's development regulations to protect critical areas
17 may continue as a conforming use and may be redeveloped or modified
18 if: (A) The redevelopment or modification is consistent with the
19 local government's master program; and (B) the local government
20 determines that the proposed redevelopment or modification will
21 result in no net loss of shoreline ecological functions. The local
22 government may waive this requirement if the redevelopment or
23 modification is consistent with the master program and the local
24 government's development regulations to protect critical areas.

25 (ii) For purposes of this subsection (3)(c), an agricultural
26 activity that does not expand the area being used for the
27 agricultural activity is not a redevelopment or modification.
28 "Agricultural activity," as used in this subsection (3)(c), has the
29 same meaning as defined in RCW 90.58.065.

30 (d) Upon department of ecology approval of a shoreline master
31 program or critical area segment of a shoreline master program,
32 critical areas within shorelines of the state are protected under
33 chapter 90.58 RCW and are not subject to the procedural and
34 substantive requirements of this chapter, except as provided in
35 subsection (6) of this section. Nothing in chapter 321, Laws of 2003
36 or chapter 107, Laws of 2010 is intended to affect whether or to what
37 extent agricultural activities, as defined in RCW 90.58.065, are
38 subject to chapter 36.70A RCW.

39 (e) The provisions of RCW 36.70A.172 shall not apply to the
40 adoption or subsequent amendment of a local government's shoreline

1 master program and shall not be used to determine compliance of a
2 local government's shoreline master program with chapter 90.58 RCW
3 and applicable guidelines. Nothing in this section, however, is
4 intended to limit or change the quality of information to be applied
5 in protecting critical areas within shorelines of the state, as
6 required by chapter 90.58 RCW and applicable guidelines.

7 (4) Shoreline master programs shall provide a level of protection
8 to critical areas located within shorelines of the state that assures
9 no net loss of shoreline ecological functions necessary to sustain
10 shoreline natural resources as defined by department of ecology
11 guidelines adopted pursuant to RCW 90.58.060.

12 (5) Shorelines of the state shall not be considered critical
13 areas under this chapter except to the extent that specific areas
14 located within shorelines of the state qualify for critical area
15 designation based on the definition of critical areas provided by RCW
16 36.70A.030(~~((5))~~) (6) and have been designated as such by a local
17 government pursuant to RCW 36.70A.060(2).

18 (6) If a local jurisdiction's master program does not include
19 land necessary for buffers for critical areas that occur within
20 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)
21 (d), then the local jurisdiction shall continue to regulate those
22 critical areas and their required buffers pursuant to RCW
23 36.70A.060(2).

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