<u>SB 5042</u> - S AMD **302** By Senator Salomon

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PULLED 03/02/2021

- On page 2, after line 22, insert the following:
- "Sec. 3. RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026
 are each reenacted and amended to read as follows:
 - (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 deadlines in subsections (4) and (5) 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 deadlines in subsections (4) and (5) 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 therefor.
 - (c) 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 tenyear population forecast by the office of financial management.
- 28 (d) Any amendment of or revision to a comprehensive land use plan 29 shall conform to this chapter. Any amendment of or revision to 30 development regulations shall be consistent with and implement the 31 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 deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) 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. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;
- (ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;
- (iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;
- (iv) 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; or
- (v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.
- (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 with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

- 1 (3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in 2 subsections (4) and (5) of this section, its designated urban growth 3 area or areas, and the densities permitted within both the 4 incorporated and unincorporated portions of each urban growth area. 5 6 In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted 7 within its boundaries, and the extent to which the urban growth 8 occurring within the county has located within each city and the 9 unincorporated portions of the urban growth areas. 10
 - (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.

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- (4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall 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 as follows:
- 23 (a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;
 - (b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;
 - (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and
- 31 (d) On or before June 30, 2018, for Adams, Asotin, Columbia, 32 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, 33 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and 34 Whitman counties and the cities within those counties.
 - (5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall 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 as follows:

- (a) On or before June 30, 2024, and every ((eight)) 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;
- 6 (b) On or before June 30, 2025, and every ((eight)) 10 years
 7 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
 8 Juan, Skagit, Thurston, and Whatcom counties and the cities within
 9 those counties;
- 10 (c) On or before June 30, 2026, and every ((eight)) 10 years 11 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, 12 Skamania, Spokane, Walla Walla, and Yakima counties and the cities 13 within those counties; and
 - (d) On or before June 30, 2027, and every ((eight)) 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.
 - (6) (a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) 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) A county that is subject to a deadline established in subsection (5)(((a)(ii) through (iv) [(b) through (d)])) (b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.
 - (c) A city that is subject to a deadline established in subsection (5)((\(\frac{(a)}{(ii)}\) through (\(\frac{iv}{(iv)}\) [(\(\frac{(b)}{(b)}\) through (\(\frac{(d)}{(d)}\)])) (\(\frac{(b)}{(b)}\) through (\(\frac{(d)}{(d)}\)]) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than Code Rev/RB:eab

one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

- (d) 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.
- (7) (a) 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 that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:
 - (i) Complying with the deadlines in this section; or
- (ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.
- (b) 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 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) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.
- (b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:
- (i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;
 - (ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;
- (iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

- 1 (iv) The adoption or amendment of development regulations is 2 necessary to address a threat to human health or safety; or
- 3 \qquad (v) Three or more years have elapsed since the receipt of 4 funding.
- (c) Beginning ten years from the date of receipt of funding, a 5 6 county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical 7 areas as they specifically apply to agricultural activities in a 8 participating watershed in accordance with the review and revision 9 requirements and timeline in subsection (5) of this section. This 10 11 subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's 12 goals and benchmarks for protection have been met. 13
- 14 **Sec. 4.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to 15 read as follows:

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- (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;
- 28 (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;
- 34 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, 35 Mason, San Juan, Skagit, and Skamania counties and the cities within 36 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 the applicable dates established by subsection (4)(b) 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 the applicable date provided by subsection (4)(b) 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 the applicable dates established by subsection (4)(b) of this section.
 - (4) (a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every eight years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:
- 34 (i) To assure that the master program complies with applicable 35 law and guidelines in effect at the time of the review; and
- 36 (ii) To assure consistency of the master program with the local 37 government's comprehensive plan and development regulations adopted 38 under chapter 36.70A RCW, if applicable, and other local 39 requirements.

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

- (i) On or before June 30, 2019, and every ((eight)) 10 years thereafter, for King, Pierce, and Snohomish counties and the cities within those counties;
- (ii) On or before June 30, 2020, and every ((eight)) 10 years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;
- (iii) On or before June 30, 2021, and every ((eight)) 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, ((Grant,)) Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and
 - (iv) On or before June 30, 2022, and every ((eight)) 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.
 - (5) In meeting the update requirements of subsection (2) of this section, 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) In meeting the update requirements of subsection (2) of this section, the following shall apply:
- (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.

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- (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.
- 10 (c) Failure of the local government to apply in a timely manner 11 for a master program development or amendment grant in accordance 12 with the requirements of the department shall not be considered a 13 delay resulting from the provisions of (a) of this subsection.
 - (7) In meeting the update requirements of subsection (2) 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.
 - (8) In meeting the update requirements of subsection (2) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.
 - Sec. 5. RCW 90.58.080 and 2020 c 113 s 2 are each amended to read as follows:
 - (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;

1 (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;
- 10 (v) On or before December 1, 2013, for Benton, Chelan, Douglas, 11 Grant, Kittitas, Spokane, and Yakima counties and the cities within 12 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 the applicable dates established by subsection (4)(b) 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 the applicable date provided by subsection (4)(b) 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 the applicable dates established by subsection (4)(b) of this section.

- (4) (a) Following the updates required by subsection (2) of this section, local governments shall conduct a review of their master programs at least once every eight years as required by (b) of this subsection. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:
 - (i) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

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- (ii) 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.
- 13 (b) Counties and cities shall take action to review and, if 14 necessary, revise their master programs as required by (a) of this 15 subsection as follows:
- 16 (i) On or before June 30, 2028, and every ((eight)) 10 years 17 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the 18 cities within those counties;
- (ii) On or before June 30, 2029, and every ((eight)) 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;
- (iii) On or before June 30, 2030, and every ((eight)) 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and
 - (iv) On or before June 30, 2031, and every ((eight)) 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.
 - (5) In meeting the review requirements of subsection (4) of this section, 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

1 master program review dates shall not be altered by the provisions of this subsection.

- (6) In meeting the review requirements of subsection (4) of this section, the following shall apply:
- (a) Grants to local governments for reviewing master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (4) 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 (4) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (4) 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 periodic review 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) In meeting the update requirements of subsection (2) 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.
- (8) In meeting the review requirements of subsection (4) of this section, local governments may be provided an additional year beyond the deadlines in this section to complete their master program or amendment. The department shall grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

- 1 <u>NEW SECTION.</u> **Sec. 6.** Section 4 of this act expires July 1,
- 2 2025.
- 3 <u>NEW SECTION.</u> **Sec. 7.** Section 5 of this act takes effect July 1,
- 4 2025."

<u>SB 5042</u> - S AMD **302** By Senator Salomon

PULLED 03/02/2021

- On page 1, line 2 of the title, after "act;" insert "amending RCW
- 6 90.58.080 and 90.58.080; reenacting and amending RCW 36.70A.130;"
- 7 On page 1, line 3 of the title, after "RCW;" strike "and"
- 8 On page 1, line 3 of the title, after "section" insert ";
- 9 providing an effective date; and providing an expiration date"

 $\underline{\text{EFFECT:}}$ Changes the GMA and shoreline management planning cycles from 8 to 10 years.

--- END ---