

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) 768
By Senator Short

NOT CONSIDERED 04/26/2021

1 Beginning on page 1, line 3, strike all material through "2025."
2 on page 30, line 4 and insert the following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that encouraging
4 economic development in rural areas is a compelling reason to amend
5 the growth management act. Additionally, creating a path forward for
6 cities and counties to collaboratively seek solutions to the
7 complicated issues regarding annexation will enable the local
8 jurisdictions to appropriately allocate development without competing
9 for resources.

10 Asking local jurisdictions to thoughtfully examine the status of
11 their local economy and its potential for growth moving forward has
12 been agreed upon as an appropriate addition to any jurisdiction's
13 comprehensive growth management plan. The legislature finds that
14 economic development is an equally important value and goal within
15 the growth management act and should be thoughtfully considered
16 accordingly.

17 As the growth management act has evolved and grown over time, it
18 has become a trap for smaller jurisdictions. Small, rural
19 jurisdictions need a safe harbor and an ally to help them effectively
20 plan for their futures while giving them space from the threat of
21 impending litigation costs. The legislature finds that a voluntary,
22 limited safe harbor with assistance from the state may provide that
23 necessary space for small rural jurisdictions to be able to invest
24 their limited funds into growing their community instead of
25 continually defending it from well-meaning outsiders. Small
26 jurisdictions, particularly, in this climate are struggling to decide
27 how to spend their limited funds. Adding more planning requirements
28 only stretches nonexistent dollars. Looking forward, until the
29 legislature finds that funding for planning for growth is a priority,
30 these jurisdictions should not be punished, but instead encouraged to
31 continue their planning endeavors. As such, the smallest, poorest
32 jurisdictions should be given time and space to plan without being

1 burdened by the requirements necessary to their bigger, more
2 prosperous colleagues.

3 Affordable housing in rural areas for essential public employees
4 such as teachers, nurses, and other public servants is in high
5 demand. Rural counties in Washington are struggling to meet these
6 demands as well as comply with the restrictions of the rural element
7 of the growth management act. This inability to increase development
8 has led to a housing shortage even in rural areas.

9 Limited areas of more intense rural development were instituted
10 at the first passage of the growth management act in the 1990s. These
11 areas are confined by a boundary set almost 30 years ago. Rural
12 counties have struggled to develop under the growth management act.
13 It is almost impossible for these counties to react to development
14 pressures and societal pressures for housing and jobs under these
15 conditions. The legislature finds that reform is necessary.
16 Additionally, the legislature finds that providing flexibility with
17 regard to the uses allowed within the boundary may alleviate some of
18 these struggles. The legislature finds that it is important for rural
19 counties to adopt creative solutions to the conflicts caused by
20 development pressures. The legislature finds that the rural areas of
21 the state are important to this state and, during these difficult
22 times, it is important to enable rural areas to focus on their
23 economic development and growth.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.14
25 RCW to read as follows:

26 (1) A code city as provided in RCW 35A.14.296(2) may collaborate
27 with the county or counties where the code city is located to form an
28 interlocal agreement regarding annexation of unincorporated territory
29 within the urban growth area boundary. The interlocal agreement must
30 be formed consistent with the planning requirements of chapter 36.70A
31 RCW. This method of annexation shall be an alternative method and is
32 additional to all other methods provided for in this chapter.

33 (2) An interlocal agreement under this section will qualify the
34 city for the annexation sales tax credit.

35 (3) The agreement or plan under this section must address the
36 following:

37 (a) A balancing of annexations of commercial, industrial, and
38 residential properties so that any potential loss or gain is
39 considered and distributed fairly as determined by tax revenue;

- 1 (b) Development, ownership, and maintenance of infrastructure;
- 2 (c) The potential for revenue-sharing agreements.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) The economic development element required by RCW
6 36.70A.070(7) may include the following:

7 (a) A summary of the local economy, such as population,
8 employment, payroll, sectors, businesses, sales, and other
9 information as appropriate;

10 (b) A summary of the strengths and weaknesses of the local
11 economy, which may include the commercial, industrial, manufacturing,
12 natural resource, and other locally significant economic sectors and
13 supporting factors such as land use, transportation, utilities,
14 education, workforce, housing, and natural/cultural resources;

15 (c) An identification of policies, programs, and projects to
16 foster economic growth and development and to address future needs;

17 (d) Policies to promote increases in family, individual, and
18 business incomes;

19 (e) An examination of whether sites planned for economic
20 development have adequate public facilities and services, and, as
21 appropriate, a plan for any needed public facilities and services;

22 (f) Policies to encourage access to education and training for
23 family wage jobs; and

24 (g) Policies and opportunities to address economic development
25 including existing industries and businesses, value-added
26 manufacturing of locally produced natural resources, and the use of
27 locally produced energy and other natural resources.

28 (2) Each county and city planning under this chapter is
29 encouraged to adopt comprehensive plans and development regulations
30 that promote economic development in urban and rural areas, and
31 evaluate economic performance in the jurisdiction in the time since
32 the most recent update to the comprehensive plan. Each county and
33 city planning under this chapter may make findings regarding the
34 economic condition of the jurisdiction. If there is stagnation or
35 economic deterioration during the period of time since the most
36 recent update to the comprehensive plan, the comprehensive plan and
37 development regulations may be modified to increase economic
38 development opportunities.

1 (3) (a) Counties with a population of less than 75,000 as of
2 January 1, 2021, as determined by the office of financial management
3 and published on April 1, 2021, that are planning under this chapter,
4 and the cities within those counties, may identify policies,
5 programs, and development opportunities to address the potential for
6 economic deterioration and to seize economic development
7 opportunities that may deviate from prescriptive interpretations of
8 this chapter.

9 (b) For purposes of this section, economic deterioration is
10 exemplified by, but not limited to, any combination of the following
11 performance outcomes:

12 (i) Incomes that are at least \$10,000 less than the statewide
13 median household income for the same year as established by the
14 office of financial management;

15 (ii) A decrease in the county's household median income during
16 any year within the prior eight years;

17 (iii) The inability of the jurisdiction to add new full-time jobs
18 in sufficient quantities to provide for population increases;

19 (iv) Decreases or stagnation of economic start-ups during
20 multiple years within the prior eight years;

21 (v) Unemployment rates that are higher than the national and
22 statewide averages over multiple years within the prior eight years;
23 and

24 (vi) Decreases or stagnation in the issuance of commercial
25 building permits during multiple years.

26 (4) In situations where the competing goals of this chapter would
27 restrain economic development in the counties described in subsection
28 (3) (a) of this section, and the cities within those counties, that
29 are experiencing economic deterioration, the growth management
30 hearings board and courts shall afford deference to local development
31 choices that make economic development a priority, consistent with
32 the presumption of validity required under RCW 36.70A.320.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
34 RCW to read as follows:

35 (1) For certain countywide planning policy, comprehensive plan,
36 and development regulations specified in this section, counties and
37 their cities may apply for a determination of compliance from the
38 department finding that the action is in compliance with the

1 requirements of this chapter and chapter 43.21C RCW and the
2 applicable rules.

3 (2) Counties and cities may submit the following actions to the
4 department for approval under this subsection:

5 (a) Development of or amendments to the housing element;

6 (b) Development of or amendments to comprehensive plan or
7 development regulations designating or protecting critical areas;

8 (c) Development of or amendments to comprehensive plan or
9 development regulations to designate or assure the conservation of
10 resource lands;

11 (d) Development of or amendments to countywide planning policy,
12 comprehensive plan, or development regulation amendments that change
13 the urban growth area;

14 (e) Countywide planning policy, comprehensive plan, or
15 development regulation amendments that govern the siting of essential
16 public facilities;

17 (f) Findings of noncompliance referred to the department by the
18 growth management hearings board under RCW 36.70A.330.

19 (3) Matters submitted to the department for approval become
20 effective when approved by the department as provided in subsection
21 (5) of this section.

22 (4) (a) Upon receipt of a proposed comprehensive plan, development
23 regulation, or countywide planning policy, the department shall:

24 (i) Provide notice to and opportunity for written comment by all
25 interested parties of record as a part of the local government review
26 process for the proposal and to all persons, groups, and agencies
27 that have requested in writing notice of the proposed action. The
28 comment period shall be at least 30 days, unless the department
29 determines that the level of complexity or controversy involved
30 supports a shorter period;

31 (ii) In the department's discretion, conduct a public hearing
32 during the 30-day comment period in the jurisdiction proposing the
33 comprehensive plan, development regulation, or countywide planning
34 policy;

35 (iii) Within 15 days after the close of public comment, request
36 the local government to review the issues identified by the public,
37 interested parties, groups, and agencies and provide a written
38 response as to how the proposal addresses the identified issues;

39 (iv) Within 30 days after receipt of the local government
40 response pursuant to (a)(iii) of this subsection, make written

1 findings and conclusions regarding the consistency of the proposal
2 with the goals and requirements of the growth management act and with
3 applicable guidelines and procedural criteria adopted by the
4 department, provide a response to the issues identified in (a)(iii)
5 of this subsection, and either approve the comprehensive plan,
6 development regulation, or countywide planning policy as submitted,
7 recommend specific changes necessary to make the comprehensive plan,
8 development regulation, or countywide planning policy approvable, or
9 deny approval of the comprehensive plan, development regulation, or
10 countywide planning policy in those instances where no alternative
11 comprehensive plan, development regulation, or countywide planning
12 policy appears likely to be consistent with the goals and
13 requirements of the growth management act and with applicable
14 guidelines and procedural criteria adopted by the department. The
15 written findings and conclusions shall be provided to the local
16 government, and made available to all interested persons, parties,
17 groups, and agencies of record on the proposal.

18 (b) If the department recommends changes to the proposed
19 comprehensive plan, development regulation, or countywide planning
20 policy, within 90 days after the department mails the written
21 findings and conclusions to the local government, the local
22 government may:

23 (i) Agree to the proposed changes by written notice to the
24 department; or

25 (ii) Submit an alternative comprehensive plan, development
26 regulation, or countywide planning policy. If, in the opinion of the
27 department, the alternative is consistent with the purpose and intent
28 of the changes originally submitted by the department and with this
29 chapter, it shall approve the changes and provide notice to all
30 recipients of the written findings and conclusions. If the department
31 determines the proposed comprehensive plan, development regulation,
32 or countywide planning policy is not consistent with the purpose and
33 intent of the changes proposed by the department, the department may
34 resubmit the proposed comprehensive plan, development regulation, or
35 countywide planning policy for public and agency review pursuant to
36 this section or reject the proposed comprehensive plan, development
37 regulation, or countywide planning policy.

38 (5) The department shall approve a proposed comprehensive plan,
39 development regulation, or countywide planning policy unless it
40 determines that the proposed comprehensive plan, development

1 regulation, or countywide planning policy is not consistent with the
2 goals and requirements of the growth management act and with
3 applicable guidelines and procedural criteria adopted by the
4 department.

5 (6) A comprehensive plan, development regulation, or countywide
6 planning policy takes effect when and in such form as approved or
7 adopted by the department. The effective date is 14 days from the
8 date of the department's written notice of final action to the local
9 government stating the department has approved or rejected the
10 proposed comprehensive plan, development regulation, or countywide
11 planning policy. The department's written notice to the local
12 government must conspicuously and plainly state that it is the
13 department's final decision and that there will be no further
14 modifications to the proposed comprehensive plan, development
15 regulation, or countywide planning policy. The department shall
16 maintain a record of each comprehensive plan, development regulation,
17 or countywide planning policy, the action taken on any proposed
18 comprehensive plan, development regulation, or countywide planning
19 policy, and any appeal of the department's action.

20 (7) Promptly after approval or disapproval of a comprehensive
21 plan, development regulation, or countywide planning policy, the
22 department shall publish a notice consistent in the Washington State
23 Register that the comprehensive plan, development regulation, or
24 countywide planning policy has been approved or disapproved.

25 (8) The department's final decision to approve or reject a
26 proposed comprehensive plan, development regulation, or countywide
27 planning policy may be appealed according to the following
28 provisions:

29 (a) The department's final decision to approve or reject a
30 comprehensive plan, development regulation, or countywide planning
31 policy may be appealed to the growth management hearings board by
32 filing a petition as provided in RCW 36.70A.290.

33 (b) A decision of the growth management hearings board concerning
34 an appeal of the department's final decision to approve or reject a
35 proposed greenhouse gas emissions reduction subelement or amendment
36 must be based solely on whether or not the adopted comprehensive
37 plan, development regulation, or countywide planning policy complies
38 with the goals and requirements of the growth management act and with
39 applicable guidelines and procedural criteria adopted by the
40 department, or chapter 43.21C RCW.

1 (c) If approval of a determination of compliance by the
2 department under this section is appealed to the growth management
3 hearings board under RCW 36.70A.280, the city or county may not be
4 determined to be ineligible or otherwise penalized in the acceptance
5 of applications or the awarding of state agency grants or loans under
6 RCW 43.17.250 during the pendency of the appeal before the board or
7 subsequent judicial appeals.

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

10 The following goals are adopted to guide the development and
11 adoption of comprehensive plans and development regulations of those
12 counties and cities that are required or choose to plan under RCW
13 36.70A.040. Any changes or additions to this chapter after December
14 2020 must only be mandatory two years after the requirement becomes
15 state law if funding sufficient to cover the additional costs is
16 specifically provided for those planning requirements by the state.

17 The following goals are not listed in order of priority and shall be
18 used exclusively for the purpose of guiding the development of
19 comprehensive plans and development regulations:

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

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

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

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

32 (5) Economic development. Encourage economic development
33 throughout the state that is consistent with adopted comprehensive
34 plans, promote economic opportunity for all citizens of this state,
35 especially for unemployed and for disadvantaged persons, promote the
36 retention and expansion of existing businesses and recruitment of new
37 businesses, recognize regional differences impacting economic
38 development opportunities, and encourage growth in areas experiencing

1 insufficient economic growth, all within the capacities of the
2 state's natural resources, public services, and public facilities.

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

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

10 (8) Natural resource industries. Maintain and enhance natural
11 resource-based industries, including productive timber, agricultural,
12 and fisheries industries. Encourage the conservation of productive
13 forestlands and productive agricultural lands, and discourage
14 incompatible uses.

15 (9) Open space and recreation. Retain open space, enhance
16 recreational opportunities, conserve fish and wildlife habitat,
17 increase access to natural resource lands and water, and develop
18 parks and recreation facilities.

19 (10) Environment. Protect the environment and enhance the state's
20 high quality of life, including air and water quality, and the
21 availability of water.

22 (11) Citizen participation and coordination. Encourage the
23 involvement of citizens in the planning process and ensure
24 coordination between communities and jurisdictions to reconcile
25 conflicts.

26 (12) Public facilities and services. Ensure that those public
27 facilities and services necessary to support development shall be
28 adequate to serve the development at the time the development is
29 available for occupancy and use without decreasing current service
30 levels below locally established minimum standards.

31 (13) Historic preservation. Identify and encourage the
32 preservation of lands, sites, and structures, that have historical or
33 archaeological significance.

34 **Sec. 6.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
35 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

36 The comprehensive plan of a county or city that is required or
37 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
38 and descriptive text covering objectives, principles, and standards
39 used to develop the comprehensive plan. The plan shall be an

1 internally consistent document and all elements shall be consistent
2 with the future land use map. A comprehensive plan shall be adopted
3 and amended with public participation as provided in RCW 36.70A.140.
4 Each comprehensive plan shall include a plan, scheme, or design for
5 each of the following:

6 (1) A land use element designating the proposed general
7 distribution and general location and extent of the uses of land,
8 where appropriate, for agriculture, timber production, housing,
9 commerce, industry, recreation, open spaces, general aviation
10 airports, public utilities, public facilities, and other land uses.
11 The land use element shall include population densities, building
12 intensities, and estimates of future population growth. The land use
13 element shall provide for protection of the quality and quantity of
14 groundwater used for public water supplies. Wherever possible, the
15 land use element should consider utilizing urban planning approaches
16 that promote physical activity. Where applicable, the land use
17 element shall review drainage, flooding, and stormwater runoff in the
18 area and nearby jurisdictions and provide guidance for corrective
19 actions to mitigate or cleanse those discharges that pollute waters
20 of the state, including Puget Sound or waters entering Puget Sound.

21 (2) A housing element ensuring the vitality and character of
22 established residential neighborhoods that: (a) Includes an inventory
23 and analysis of existing and projected housing needs that identifies
24 the number of housing units necessary to manage projected growth; (b)
25 includes a statement of goals, policies, objectives, and mandatory
26 provisions for the preservation, improvement, and development of
27 housing, including single-family residences; (c) identifies
28 sufficient land for housing, including, but not limited to,
29 government-assisted housing, housing for low-income families,
30 manufactured housing, multifamily housing, and group homes and foster
31 care facilities; and (d) makes adequate provisions for existing and
32 projected needs of all economic segments of the community. In
33 counties and cities subject to the review and evaluation requirements
34 of RCW 36.70A.215, any revision to the housing element shall include
35 consideration of prior review and evaluation reports and any
36 reasonable measures identified.

37 (3) A capital facilities plan element consisting of: (a) An
38 inventory of existing capital facilities owned by public entities,
39 showing the locations and capacities of the capital facilities; (b) a
40 forecast of the future needs for such capital facilities; (c) the

1 proposed locations and capacities of expanded or new capital
2 facilities; (d) at least a six-year plan that will finance such
3 capital facilities within projected funding capacities and clearly
4 identifies sources of public money for such purposes; and (e) a
5 requirement to reassess the land use element if probable funding
6 falls short of meeting existing needs and to ensure that the land use
7 element, capital facilities plan element, and financing plan within
8 the capital facilities plan element are coordinated and consistent.
9 Park and recreation facilities shall be included in the capital
10 facilities plan element.

11 (4) A utilities element consisting of the general location,
12 proposed location, and capacity of all existing and proposed
13 utilities, including, but not limited to, electrical lines,
14 telecommunication lines, and natural gas lines.

15 (5) Rural element. Counties shall include a rural element
16 including lands that are not designated for urban growth,
17 agriculture, forest, or mineral resources. The following provisions
18 shall apply to the rural element:

19 (a) Growth management act goals and local circumstances. Because
20 circumstances vary from county to county, in establishing patterns of
21 rural densities and uses, a county (~~may~~) must consider local
22 circumstances, (~~but shall~~) and must develop a written record
23 explaining how the rural element harmonizes the planning goals in RCW
24 36.70A.020 and meets the requirements of this chapter.

25 (b) Rural development. The rural element shall permit rural
26 development, forestry, and agriculture in rural areas. The rural
27 element shall provide for a variety of rural densities, uses,
28 essential public facilities, and rural governmental services needed
29 to serve the permitted densities and uses. To achieve a variety of
30 rural densities and uses, counties may provide for clustering,
31 density transfer, design guidelines, conservation easements, and
32 other innovative techniques that will accommodate appropriate rural
33 economic advancement, densities, and uses that are not characterized
34 by urban growth and that are consistent with rural character.

35 (c) Measures governing rural development. The rural element shall
36 include measures that apply to rural development and protect the
37 rural character of the area, as established by the county, by:

38 (i) (~~Containing or otherwise controlling~~) Controlling rural
39 development;

1 (ii) Assuring visual compatibility of rural development with the
2 surrounding rural area;

3 (iii) Reducing the inappropriate conversion of undeveloped land
4 into sprawling, low-density development in the rural area;

5 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
6 and surface water and groundwater resources; and

7 (v) Protecting against conflicts with the use of agricultural,
8 forest, and mineral resource lands designated under RCW 36.70A.170.

9 (d) Limited areas of more intensive rural development. Subject to
10 the requirements of this subsection and except as otherwise
11 specifically provided in this subsection (5)(d), the rural element
12 may allow for limited areas of more intensive rural development,
13 including necessary public facilities and public services to serve
14 the limited area as follows:

15 (i) Rural development consisting of the infill, development, or
16 redevelopment of existing commercial, industrial, residential, or
17 mixed-use areas, whether characterized as shoreline development,
18 villages, hamlets, rural activity centers, or crossroads
19 developments.

20 (A) A commercial, industrial, residential, shoreline, or mixed-
21 use area are subject to the requirements of (d)(iv) of this
22 subsection, but are not subject to the requirements of (c)(ii) and
23 (iii) of this subsection.

24 (B) Any development or redevelopment other than an industrial
25 area or an industrial use within a mixed-use area or an industrial
26 area under this subsection (5)(d)(i) must be principally designed to
27 serve the existing and projected rural population.

28 (C) Any development or redevelopment in terms of building size,
29 scale, use, or intensity (~~(shall be consistent with the character of~~
30 ~~the existing areas)~~) may be permitted subject to confirmation from
31 all existing providers of public facilities and public services of
32 sufficient capacity of existing public facilities and public services
33 to serve any new or additional demand from the new development or
34 redevelopment. Development and redevelopment may include changes in
35 use from vacant land or a previously existing use so long as the new
36 use conforms to the requirements of this subsection (5) and is
37 consistent with the local character;

38 (ii) The intensification of development on lots containing, or
39 new development of, small-scale recreational or tourist uses,
40 including commercial facilities to serve those recreational or

1 tourist uses, that rely on a rural location and setting, but that do
2 not include new residential development. A small-scale recreation or
3 tourist use is not required to be principally designed to serve the
4 existing and projected rural population. Public services and public
5 facilities shall be limited to those necessary to serve the
6 recreation or tourist use and shall be provided in a manner that does
7 not permit low-density sprawl;

8 (iii) The intensification of development on lots containing
9 isolated nonresidential uses or new development of isolated cottage
10 industries and isolated small-scale businesses that are not
11 principally designed to serve the existing and projected rural
12 population and nonresidential uses, but do provide job opportunities
13 for rural residents. Rural counties may allow the expansion of small-
14 scale businesses as long as those small-scale businesses conform with
15 the rural character of the area as defined by the local government
16 according to RCW 36.70A.030(~~((+16))~~) (20). Rural counties may also
17 allow new small-scale businesses to utilize a site previously
18 occupied by an existing business as long as the new small-scale
19 business conforms to the rural character of the area as defined by
20 the local government according to RCW 36.70A.030(~~((+16))~~) (20). Public
21 services and public facilities shall be limited to those necessary to
22 serve the isolated nonresidential use and shall be provided in a
23 manner that does not permit low-density sprawl;

24 (iv) A county shall adopt measures to minimize and contain the
25 existing areas (~~((or uses))~~) of more intensive rural development, as
26 appropriate, authorized under this subsection. Lands included in such
27 existing areas (~~((or uses))~~) shall not extend beyond the logical outer
28 boundary of the existing area (~~((or use))~~), thereby allowing a new
29 pattern of low-density sprawl. Existing areas are those that are
30 clearly identifiable and contained and where there is a logical
31 boundary delineated predominately by the built environment, but that
32 may also include undeveloped lands if limited as provided in this
33 subsection. The county shall establish the logical outer boundary of
34 an area of more intensive rural development. In establishing the
35 logical outer boundary, the county shall address (A) the need to
36 preserve the character of existing natural neighborhoods and
37 communities, (B) physical boundaries, such as bodies of water,
38 streets and highways, and land forms and contours, (C) the prevention
39 of abnormally irregular boundaries, and (D) the ability to provide
40 public facilities and public services in a manner that includes

1 utility service areas and facilities and considers needed upgrades
2 and replacement of related infrastructure including the economies of
3 scale for such service-related infrastructure and affordability for
4 ratepayers, and does not permit low-density sprawl;

5 (v) In counties east of the Cascades, the logical outer boundary
6 of the existing area may include the existing utility service areas
7 and facilities pursuant to (d)(vi) of this subsection and consider
8 needed upgrades and replacement of related infrastructure including
9 the economies of scale for such service-related infrastructures and
10 affordability for rate payers;

11 (vi) For purposes of (d) of this subsection, an existing area or
12 existing use is one that was in existence:

13 (A) On July 1, (~~1990~~) 1997, in a county that was initially
14 required to plan under all of the provisions of this chapter;

15 (B) On the date the county adopted a resolution under RCW
16 36.70A.040(2), in a county that is planning under all of the
17 provisions of this chapter under RCW 36.70A.040(2); or

18 (C) On the date the office of financial management certifies the
19 county's population as provided in RCW 36.70A.040(5), in a county
20 that is planning under all of the provisions of this chapter pursuant
21 to RCW 36.70A.040(5).

22 (e) Exception. This subsection shall not be interpreted to permit
23 in the rural area a major industrial development or a master planned
24 resort unless otherwise specifically permitted under RCW 36.70A.360
25 and 36.70A.365.

26 (6) A transportation element that implements, and is consistent
27 with, the land use element.

28 (a) The transportation element shall include the following
29 subelements:

30 (i) Land use assumptions used in estimating travel;

31 (ii) Estimated traffic impacts to state-owned transportation
32 facilities resulting from land use assumptions to assist the
33 department of transportation in monitoring the performance of state
34 facilities, to plan improvements for the facilities, and to assess
35 the impact of land-use decisions on state-owned transportation
36 facilities;

37 (iii) Facilities and services needs, including:

38 (A) An inventory of air, water, and ground transportation
39 facilities and services, including transit alignments and general
40 aviation airport facilities, to define existing capital facilities

1 and travel levels as a basis for future planning. This inventory must
2 include state-owned transportation facilities within the city or
3 county's jurisdictional boundaries;

4 (B) Level of service standards for all locally owned arterials
5 and transit routes to serve as a gauge to judge performance of the
6 system. These standards should be regionally coordinated;

7 (C) For state-owned transportation facilities, level of service
8 standards for highways, as prescribed in chapters 47.06 and 47.80
9 RCW, to gauge the performance of the system. The purposes of
10 reflecting level of service standards for state highways in the local
11 comprehensive plan are to monitor the performance of the system, to
12 evaluate improvement strategies, and to facilitate coordination
13 between the county's or city's six-year street, road, or transit
14 program and the office of financial management's ten-year investment
15 program. The concurrency requirements of (b) of this subsection do
16 not apply to transportation facilities and services of statewide
17 significance except for counties consisting of islands whose only
18 connection to the mainland are state highways or ferry routes. In
19 these island counties, state highways and ferry route capacity must
20 be a factor in meeting the concurrency requirements in (b) of this
21 subsection;

22 (D) Specific actions and requirements for bringing into
23 compliance locally owned transportation facilities or services that
24 are below an established level of service standard;

25 (E) Forecasts of traffic for at least ten years based on the
26 adopted land use plan to provide information on the location, timing,
27 and capacity needs of future growth;

28 (F) Identification of state and local system needs to meet
29 current and future demands. Identified needs on state-owned
30 transportation facilities must be consistent with the statewide
31 multimodal transportation plan required under chapter 47.06 RCW;

32 (iv) Finance, including:

33 (A) An analysis of funding capability to judge needs against
34 probable funding resources;

35 (B) A multiyear financing plan based on the needs identified in
36 the comprehensive plan, the appropriate parts of which shall serve as
37 the basis for the six-year street, road, or transit program required
38 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
39 35.58.2795 for public transportation systems. The multiyear financing
40 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

3 (C) If probable funding falls short of meeting identified needs,
4 a discussion of how additional funding will be raised, or how land
5 use assumptions will be reassessed to ensure that level of service
6 standards will be met;

7 (v) Intergovernmental coordination efforts, including an
8 assessment of the impacts of the transportation plan and land use
9 assumptions on the transportation systems of adjacent jurisdictions;

10 (vi) Demand-management strategies;

11 (vii) Pedestrian and bicycle component to include collaborative
12 efforts to identify and designate planned improvements for pedestrian
13 and bicycle facilities and corridors that address and encourage
14 enhanced community access and promote healthy lifestyles.

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service
19 on a locally owned transportation facility to decline below the
20 standards adopted in the transportation element of the comprehensive
21 plan, unless transportation improvements or strategies to accommodate
22 the impacts of development are made concurrent with the development.
23 These strategies may include increased public transportation service,
24 ride-sharing programs, demand management, and other transportation
25 systems management strategies. For the purposes of this subsection
26 (6), "concurrent with the development" means that improvements or
27 strategies are in place at the time of development, or that a
28 financial commitment is in place to complete the improvements or
29 strategies within six years. If the collection of impact fees is
30 delayed under RCW 82.02.050(3), the six-year period required by this
31 subsection (6)(b) must begin after full payment of all impact fees is
32 due to the county or city.

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. A city that has chosen to be a

1 residential community is exempt from the economic development element
2 requirement of this subsection.

3 (8) A park and recreation element that implements, and is
4 consistent with, the capital facilities plan element as it relates to
5 park and recreation facilities. The element shall include: (a)
6 Estimates of park and recreation demand for at least a ten-year
7 period; (b) an evaluation of facilities and service needs; and (c) an
8 evaluation of intergovernmental coordination opportunities to provide
9 regional approaches for meeting park and recreational demand.

10 (9) It is the intent that new or amended elements required after
11 January 1, 2002, be adopted concurrent with the scheduled update
12 provided in RCW 36.70A.130. Requirements to incorporate any such new
13 or amended elements shall be null and void until funds sufficient to
14 cover applicable local government costs are appropriated and
15 distributed by the state at least two years before local government
16 must update comprehensive plans as required in RCW 36.70A.130.

17 (10) A county that is required or chooses to plan under RCW
18 36.70A.040 with a population of 70,000 or less and with a growth rate
19 of less than 20 percent over the previous 10 years; or a population
20 of 50,000 or less; or the comprehensive plan for the unincorporated
21 lands of a county that is considered rural according to the
22 definition in RCW 82.14.370, but not including the cities within such
23 county, is not subject to subsections (2)(a), (c), and (d), (3)(c)
24 and (d), (5)(a) and (c)(i) and (ii), (6)(a)(iii)(E), and (8) of this
25 section.

26 **Sec. 7.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026
27 are each reenacted and amended to read as follows:

28 (1)(a) Each comprehensive land use plan and development
29 regulations shall be subject to continuing review and evaluation by
30 the county or city that adopted them. Except as otherwise provided, a
31 county or city shall take legislative action to review and, if
32 needed, revise its comprehensive land use plan and development
33 regulations to ensure the plan and regulations comply with the
34 requirements of this chapter according to the deadlines in
35 subsections (4) and (5) of this section.

36 (b) Except as otherwise provided, a county or city not planning
37 under RCW 36.70A.040 shall take action to review and, if needed,
38 revise its policies and development regulations regarding critical
39 areas and natural resource lands adopted according to this chapter to

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

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

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

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

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

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

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

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

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

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

18 (3)(a) Each county that designates urban growth areas under RCW
19 36.70A.110 shall review, according to the schedules established in
20 subsections (4) and (5) of this section, its designated urban growth
21 area or areas, and the densities permitted within both the
22 incorporated and unincorporated portions of each urban growth area.
23 In conjunction with this review by the county, each city located
24 within an urban growth area shall review the densities permitted
25 within its boundaries, and the extent to which the urban growth
26 occurring within the county has located within each city and the
27 unincorporated portions of the urban growth areas.

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

35 (4) Except as otherwise provided in subsections (6) and (8) of
36 this section, counties and cities shall take action to review and, if
37 needed, revise their comprehensive plans and development regulations
38 to ensure the plan and regulations comply with the requirements of
39 this chapter as follows:

1 (a) On or before June 30, 2015, for King, Pierce, and Snohomish
2 counties and the cities within those counties;

3 (b) On or before June 30, 2016, for Clallam, Clark, Island,
4 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
5 counties and the cities within those counties;

6 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,
7 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
8 the cities within those counties; and

9 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,
10 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,
11 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
12 Whitman counties and the cities within those counties.

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

20 (a) On or before June 30, 2024, and every (~~eight~~) 10 years
21 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
22 cities within those counties;

23 (b) On or before June 30, 2025, and every (~~eight~~) 10 years
24 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
25 Juan, Skagit, Thurston, and Whatcom counties and the cities within
26 those counties;

27 (c) On or before June 30, 2026, and every (~~eight~~) 10 years
28 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
29 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
30 within those counties; and

31 (d) On or before June 30, 2027, and every (~~eight~~) 10 years
32 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
33 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
34 Stevens, Wahkiakum, and Whitman counties and the cities within those
35 counties.

36 (6)(a) Nothing in this section precludes a county or city from
37 conducting the review and evaluation required by this section before
38 the deadlines established in subsections (4) and (5) of this section.
39 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they
2 elect to do so.

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

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

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

25 (7)(a) The requirements imposed on counties and cities under this
26 section shall be considered "requirements of this chapter" under the
27 terms of RCW 36.70A.040(1). Only those counties and cities that meet
28 the following criteria may receive grants, loans, pledges, or
29 financial guarantees under chapter 43.155 or 70A.135 RCW:

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

31 (ii) Demonstrating substantial progress towards compliance with
32 the schedules in this section for development regulations that
33 protect critical areas.

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

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

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

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

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

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

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

21 (v) Three or more years have elapsed since the receipt of
22 funding.

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

32 (9) At the midpoint of the 10-year plan update cycles identified
33 in subsection (5) (a) and (b) of this section, metropolitan counties,
34 and their cities, shall report to the department the progress they
35 have achieved in implementing state goals regarding RCW 36.70A.020
36 and permit timelines in chapter 36.70B RCW. Such reports are not
37 subject to appeals under this chapter or chapter 43.21C RCW. The
38 department will review the report under the process and authority of
39 RCW 36.70A.385 and issue its determination within 90 days. The

1 department will adopt by administrative rule indicators, milestones,
2 and criteria to determine compliance with this chapter.

3 **Sec. 8.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
4 read as follows:

5 (1) The growth management hearings board shall hear and determine
6 only those petitions alleging either:

7 (a) That, except as provided otherwise by this subsection, a
8 state agency, county, or city planning under this chapter is not in
9 compliance with the requirements of this chapter, chapter 90.58 RCW
10 as it relates to the adoption of shoreline master programs or
11 amendments thereto, or chapter 43.21C RCW as it relates to plans,
12 development regulations, or amendments, adopted under RCW 36.70A.040
13 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
14 to hear petitions alleging noncompliance with RCW 36.70A.5801;

15 (b) That the twenty-year growth management planning population
16 projections adopted by the office of financial management pursuant to
17 RCW 43.62.035 should be adjusted;

18 (c) That the approval of a work plan adopted under RCW
19 36.70A.735(1)(a) is not in compliance with the requirements of the
20 program established under RCW 36.70A.710;

21 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
22 regionally applicable and cannot be adopted, wholly or partially, by
23 another jurisdiction; ((~~or~~))

24 (e) That a department certification under RCW 36.70A.735(1)(c) is
25 erroneous;

26 (f) That a department determination under RCW 36.70A.060(1)(d) is
27 erroneous; or

28 (g) That a department approval under section 4 of this act is
29 clearly erroneous. Actions submitted to the department for approval
30 may only be appealed to the growth management hearings board within
31 60 days following publication by the department of a determination of
32 compliance.

33 (2) A petition may be filed only by: (a) The state, or a county
34 or city that plans under this chapter; (b) a person who has
35 participated orally or in writing before the county or city regarding
36 the matter on which a review is being requested; (c) a person who is
37 certified by the governor within sixty days of filing the request
38 with the board; or (d) a person qualified pursuant to RCW 34.05.530.

1 (3) For purposes of this section "person" means any individual,
2 partnership, corporation, association, state agency, governmental
3 subdivision or unit thereof, or public or private organization or
4 entity of any character.

5 (4) To establish participation standing under subsection (2)(b)
6 of this section, a person must show that his or her participation
7 before the county or city was reasonably related to the person's
8 issue as presented to the board.

9 (5) When considering a possible adjustment to a growth management
10 planning population projection prepared by the office of financial
11 management, the board shall consider the implications of any such
12 adjustment to the population forecast for the entire state.

13 The rationale for any adjustment that is adopted by the board
14 must be documented and filed with the office of financial management
15 within ten working days after adoption.

16 If adjusted by the board, a county growth management planning
17 population projection shall only be used for the planning purposes
18 set forth in this chapter and shall be known as the "board adjusted
19 population projection." None of these changes shall affect the
20 official state and county population forecasts prepared by the office
21 of financial management, which shall continue to be used for state
22 budget and planning purposes.

23 **Sec. 9.** RCW 36.70A.330 and 1997 c 429 s 21 are each amended to
24 read as follows:

25 (1) After the time set for complying with the requirements of
26 this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier
27 time upon the motion of a county or city subject to a determination
28 of invalidity under RCW 36.70A.300, the board shall set a hearing for
29 the purpose of determining whether the state agency, county, or city
30 is in compliance with the requirements of this chapter.

31 (2) The board shall conduct a hearing and issue a finding of
32 compliance or noncompliance with the requirements of this chapter and
33 with any compliance schedule established by the board in its final
34 order. A person with standing to challenge the legislation enacted in
35 response to the board's final order may participate in the hearing
36 along with the petitioner and the state agency, county, or city. A
37 hearing under this subsection shall be given the highest priority of
38 business to be conducted by the board, and a finding shall be issued
39 within forty-five days of the filing of the motion under subsection

1 (1) of this section with the board. The board shall issue any order
2 necessary to make adjustments to the compliance schedule and set
3 additional hearings as provided in subsection (5) of this section.

4 (3) If the board after a compliance hearing finds that the state
5 agency, county, or city is not in compliance, the board shall
6 transmit its finding to the governor. ((The))

7 (a) The board may refer a finding of noncompliance to the
8 department. The purpose of the referral is for the department to
9 provide technical assistance to facilitate speedy resolution of the
10 finding of noncompliance.

11 (b) Alternatively, the board may recommend to the governor that
12 the sanctions authorized by this chapter be imposed. The board shall
13 take into consideration the county's or city's efforts to meet its
14 compliance schedule in making the decision to recommend sanctions to
15 the governor.

16 (4) In a compliance hearing upon petition of a party, the board
17 shall also reconsider its final order and decide, if no determination
18 of invalidity has been made, whether one now should be made under RCW
19 36.70A.302.

20 (5) The board shall schedule additional hearings as appropriate
21 pursuant to subsections (1) and (2) of this section.

22 **Sec. 10.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to
23 read as follows:

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

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

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

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

38 (iii) Except as provided by (a)(i) and (ii) of this subsection,
39 on or before December 1, 2011, for Clallam, Clark, Jefferson, King,

1 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
2 cities within those counties;

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

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

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

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

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

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

36 (4)(a) Following the updates required by subsection (2) of this
37 section, local governments shall conduct a review of their master
38 programs at least once every eight years as required by (b) of this
39 subsection. Following the review required by this subsection (4),

1 local governments shall, if necessary, revise their master programs.

2 The purpose of the review is:

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

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

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

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

15 (ii) On or before June 30, 2020, and every (~~eight~~) 10 years
16 thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San
17 Juan, Skagit, Thurston, and Whatcom counties and the cities within
18 those counties;

19 (iii) On or before June 30, 2021, and every (~~eight~~) 10 years
20 thereafter, for Benton, Chelan, Cowlitz, Douglas, (~~Grant,~~)
21 Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the
22 cities within those counties; and

23 (iv) On or before June 30, 2022, and every (~~eight~~) 10 years
24 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
25 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
26 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
27 the cities within those counties.

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

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

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

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

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

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

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

35 **Sec. 11.** RCW 90.58.080 and 2020 c 113 s 2 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 years as required by (b) of this
13 subsection. Following the review required by this subsection (4),
14 local governments shall, if necessary, revise their master programs.
15 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, 2028, and every (~~eight~~) 10 years
26 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
27 cities within those counties;

28 (ii) On or before June 30, 2029, and every (~~eight~~) 10 years
29 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
30 Juan, Skagit, Thurston, and Whatcom counties and the cities within
31 those counties;

32 (iii) On or before June 30, 2030, and every (~~eight~~) 10 years
33 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
34 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
35 within those counties; and

36 (iv) On or before June 30, 2031, and every (~~eight~~) 10 years
37 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
38 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
39 Stevens, Wahkiakum, and Whitman counties and the cities within those
40 counties.

1 (5) In meeting the review requirements of subsection (4) 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 review requirements of subsection (4) of this
12 section, the following shall apply:

13 (a) Grants to local governments for reviewing master programs
14 pursuant to the schedule established by this section shall be
15 provided at least two years before the adoption dates specified in
16 subsection (4) of this section. To the extent possible, the
17 department shall allocate grants within the amount appropriated for
18 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 (4) of this section. Any local government
22 that applies for but does not receive funding to comply with the
23 provisions of subsection (4) 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 periodic review compliance deadline for
29 those local governments shall be two years after the date of grant
30 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 review requirements of subsection (4) 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. 12.** Section 10 of this act expires July 1,
8 2025.

9 NEW SECTION. **Sec. 13.** Section 11 of this act takes effect July
10 1, 2025."

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **768**
By Senator Short

NOT CONSIDERED 04/26/2021

11 On page 30, beginning on line 6, after "insert" strike all
12 material through "date." on line 9 and insert "amending RCW
13 36.70A.020, 36.70A.280, 36.70A.330, 90.58.080, and 90.58.080;
14 reenacting and amending RCW 36.70A.070 and 36.70A.130; adding a new
15 section to chapter 35A.14 RCW; adding new sections to chapter 36.70A
16 RCW; creating a new section; providing an effective date; and
17 providing an expiration date."

EFFECT: Allows a code city to annex land within an urban growth area by interlocal agreement. Promotes economic development and affords deference to Growth Management Act (GMA) jurisdictions experiencing economic deterioration. Allows GMA jurisdictions to apply to the Department of Commerce for a determination of compliance with the GMA and State Environmental Policy Act for certain actions. Adds that development or redevelopment within limited areas of more intense rural development be permitted subject to available public facilities and public services and be consistent with local character. Provides that in counties east of the Cascades, the logical outer boundary of the existing area may include utility service areas and facilities and consider needed upgrades and replacement of related infrastructure. Changes the GMA and shoreline management planning cycles from eight years to ten years.

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