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**SECOND SUBSTITUTE HOUSE BILL 1241**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley, and Pollet)

READ FIRST TIME 01/18/22.

1 AN ACT Relating to planning under the growth management act; and  
2 reenacting and amending RCW 36.70A.130.

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

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

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

14 (b) Except as otherwise provided, a county or city not planning  
15 under RCW 36.70A.040 shall take action to review and, if needed,  
16 revise its policies and development regulations regarding critical  
17 areas and natural resource lands adopted according to this chapter to  
18 ensure these policies and regulations comply with the requirements of  
19 this chapter according to the deadlines in subsections (4) and (5) of  
20 this section. Legislative action means the adoption of a resolution  
21 or ordinance following notice and a public hearing indicating at a

1 minimum, a finding that a review and evaluation has occurred and  
2 identifying the revisions made, or that a revision was not needed and  
3 the reasons therefor.

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

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

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

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

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

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

36 (iv) The amendment of the capital facilities element of a  
37 comprehensive plan that occurs concurrently with the adoption or  
38 amendment of a county or city budget; or

39 (v) The adoption of comprehensive plan amendments necessary to  
40 enact a planned action under RCW 43.21C.440, provided that amendments

1 are considered in accordance with the public participation program  
2 established by the county or city under this subsection (2)(a) and  
3 all persons who have requested notice of a comprehensive plan update  
4 are given notice of the amendments and an opportunity to comment.

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

13 (3)(a) Each county that designates urban growth areas under RCW  
14 36.70A.110 shall review, according to the schedules established in  
15 subsections (4) and (5) of this section, its designated urban growth  
16 area or areas, and the densities permitted within both the  
17 incorporated and unincorporated portions of each urban growth area.  
18 In conjunction with this review by the county, each city located  
19 within an urban growth area shall review the densities permitted  
20 within its boundaries, and the extent to which the urban growth  
21 occurring within the county has located within each city and the  
22 unincorporated portions of the urban growth areas.

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

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

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

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

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

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

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

15 (a) On or before (~~June 30~~) December 31, 2024, with the  
16 following review and, if needed, revision on or before June 30, 2034,  
17 and then every (~~eight~~) ten years thereafter, for King, Kitsap,  
18 Pierce, and Snohomish counties and the cities within those counties;

19 (b) On or before June 30, 2025, and every (~~eight~~) ten years  
20 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San  
21 Juan, Skagit, Thurston, and Whatcom counties and the cities within  
22 those counties;

23 (c) On or before June 30, 2026, and every (~~eight~~) ten years  
24 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,  
25 Skamania, Spokane, Walla Walla, and Yakima counties and the cities  
26 within those counties; and

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

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

38 (b) A county that is subject to a deadline established in  
39 subsection (5) (~~((a)(ii) through (iv) [(b) through (d)]~~)) of this  
40 section and meets the following criteria may comply with the

1 requirements of this section at any time within the twenty-four  
2 months following the deadline established in subsection (5) of this  
3 section: The county has a population of less than fifty thousand and  
4 has had its population increase by no more than seventeen percent in  
5 the ten years preceding the deadline established in subsection (5) of  
6 this section as of that date.

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

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

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

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

26 (ii) Demonstrating substantial progress towards compliance with  
27 the schedules in this section for development regulations that  
28 protect critical areas.

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

35 (8) (a) Except as otherwise provided in (c) of this subsection, if  
36 a participating watershed is achieving benchmarks and goals for the  
37 protection of critical areas functions and values, the county is not  
38 required to update development regulations to protect critical areas  
39 as they specifically apply to agricultural activities in that  
40 watershed.

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

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

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

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

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

15 (v) Three or more years have elapsed since the receipt of  
16 funding.

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

26 (9)(a) Counties subject to planning deadlines established in  
27 subsection (5) of this section that are required or that choose to  
28 plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or  
29 (ii) of this subsection, and cities with a population of more than  
30 6,000 as of January 1, 2021, within those counties, must provide to  
31 the department an implementation progress report detailing the  
32 progress they have achieved in implementing their comprehensive plan  
33 five years after the review and revision of their comprehensive plan.  
34 Once a county meets the criteria in (a)(i) or (ii) of this  
35 subsection, the implementation progress report requirements remain in  
36 effect thereafter for that county and the cities therein with  
37 populations greater than 6,000 as of January 1, 2021, even if the  
38 county later no longer meets either or both criteria. A county is  
39 subject to the implementation progress report requirement if it meets  
40 either of the following criteria on or after January 1, 2021:

1 (i) The county has a population density of at least 100 people  
2 per square mile and a population of at least 200,000; or

3 (ii) The county has a population density of at least 75 people  
4 per square mile and an annual growth rate of at least 1.75 percent as  
5 determined by the office of financial management.

6 (b) The department shall adopt guidelines for indicators,  
7 measures, milestones, and criteria for use by counties and cities in  
8 the implementation progress report that must cover:

9 (i) The implementation of previously adopted changes to the  
10 housing element and any effect those changes have had on housing  
11 affordability and availability within the jurisdiction;

12 (ii) Permit processing timelines; and

13 (iii) Progress toward implementing any actions required to  
14 achieve reductions to meet greenhouse gas and vehicle miles traveled  
15 requirements as provided for in any element of the comprehensive plan  
16 under RCW 36.70A.070.

17 (c) If a city or county required to provide an implementation  
18 progress report under this subsection (9) has not implemented any  
19 specifically identified regulations, zoning and land use changes, or  
20 taken other legislative or administrative action necessary to  
21 implement any changes in the most recent periodic update in their  
22 comprehensive plan by the due date for the implementation progress  
23 report, the city or county must identify the need for such action in  
24 the implementation progress report. Cities and counties must adopt a  
25 work plan to implement any necessary regulations, zoning and land use  
26 changes, or take other legislative or administrative action  
27 identified in the implementation progress report and complete all  
28 work necessary for implementation within two years of submission of  
29 the implementation progress report.

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