

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1241

67th Legislature
2022 Regular Session

Passed by the House February 13, 2022
Yeas 55 Nays 43

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 27 Nays 21

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1241** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1241

Passed Legislature - 2022 Regular Session

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 April 1, 2021, within those counties, must provide to the
31 department an implementation progress report detailing the progress
32 they have achieved in implementing their comprehensive plan five
33 years after the review and revision of their comprehensive plan. Once
34 a county meets the criteria in (a)(i) or (ii) of this subsection, the
35 implementation progress report requirements remain in effect
36 thereafter for that county and the cities therein with populations
37 greater than 6,000 as of April 1, 2021, even if the county later no
38 longer meets either or both criteria. A county is subject to the
39 implementation progress report requirement if it meets either of the
40 following criteria on or after April 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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