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HOUSE BILL 2916

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State of Washington

61st Legislature

2010 Regular Session

By Representative Springer

Read first time 01/18/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to timelines for the review of comprehensive plans  
2 and shoreline master programs; and amending RCW 36.70A.130 and  
3 90.58.080.

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

5 **Sec. 1.** RCW 36.70A.130 and 2009 c 479 s 23 are each amended to  
6 read as follows:

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

15 (b) Except as otherwise provided, a county or city not planning  
16 under RCW 36.70A.040 shall take action to review and, if needed, revise  
17 its policies and development regulations regarding critical areas and  
18 natural resource lands adopted according to this chapter to ensure  
19 these policies and regulations comply with the requirements of this

1 chapter according to the time periods specified in subsection (4) of  
2 this section. Legislative action means the adoption of a resolution or  
3 ordinance following notice and a public hearing indicating at a  
4 minimum, a finding that a review and evaluation has occurred and  
5 identifying the revisions made, or that a revision was not needed and  
6 the reasons therefor.

7 (c) The review and evaluation required by this subsection may be  
8 combined with the review required by subsection (3) of this section.  
9 The review and evaluation required by this subsection shall include,  
10 but is not limited to, consideration of critical area ordinances and,  
11 if planning under RCW 36.70A.040, an analysis of the population  
12 allocated to a city or county from the most recent ten-year population  
13 forecast by the office of financial management.

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

18 (2)(a) Each county and city shall establish and broadly disseminate  
19 to the public a public participation program consistent with RCW  
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
21 whereby updates, proposed amendments, or revisions of the comprehensive  
22 plan are considered by the governing body of the county or city no more  
23 frequently than once every year. "Updates" means to review and revise,  
24 if needed, according to subsection (1) of this section, and the time  
25 periods specified in subsection (4) of this section or in accordance  
26 with the provisions of subsection(~~(3)~~) (5) (~~and (8)~~) of this section.  
27 Amendments may be considered more frequently than once per year under  
28 the following circumstances:

29 (i) The initial adoption of a subarea plan that does not modify the  
30 comprehensive plan policies and designations applicable to the subarea;

31 (ii) The adoption or amendment of a shoreline master program under  
32 the procedures set forth in chapter 90.58 RCW;

33 (iii) The amendment of the capital facilities element of a  
34 comprehensive plan that occurs concurrently with the adoption or  
35 amendment of a county or city budget; and

36 (iv) (~~Until June 30, 2006, the designation of recreational lands~~  
37 ~~under RCW 36.70A.1701. A county amending its comprehensive plan~~

1 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~  
2 ~~than every eighteen months; and~~

3 ~~(v))~~ The adoption of comprehensive plan amendments necessary to  
4 enact a planned action under RCW 43.21C.031(2), provided that  
5 amendments are considered in accordance with the public participation  
6 program established by the county or city under this subsection (2)(a)  
7 and all persons who have requested notice of a comprehensive plan  
8 update are given notice of the amendments and an opportunity to  
9 comment.

10 (b) Except as otherwise provided in (a) of this subsection, all  
11 proposals shall be considered by the governing body concurrently so the  
12 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 appeal  
16 of a comprehensive plan filed with a growth management hearings board  
17 or with the court.

18 (3)(a) Each county that designates urban growth areas under RCW  
19 36.70A.110 shall review, ~~((at least every ten years))~~ as part of the  
20 review required by subsection (4) of this section, its designated urban  
21 growth area or areas, and the densities permitted within both the  
22 incorporated and unincorporated portions of each urban growth area. In  
23 conjunction with this review by the county, each city located within an  
24 urban growth area, as part of the review required by subsection (4) of  
25 this section, shall review the densities permitted within its  
26 boundaries, and the extent to which the urban growth occurring within  
27 the county has located within each city and the unincorporated portions  
28 of the urban growth areas.

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

36 ~~((The department shall establish a schedule for))~~ Except as  
37 provided in subsection (5) of this section, counties and cities ~~((to))~~  
38 shall take action to review and, if needed, revise their comprehensive

1 plans and development regulations to ensure the plan and regulations  
2 comply with the requirements of this chapter(~~(. Except as provided in~~  
3 ~~subsections (5) and (8) of this section, the schedule established by~~  
4 ~~the department shall provide for the reviews and evaluations to be~~  
5 ~~completed~~)) as follows:

6 (a) On or before December 1, (~~(2004)~~) 2014, and every (~~(seven)~~) ten  
7 years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
8 Snohomish, Thurston, and Whatcom counties and the cities within those  
9 counties;

10 (b) On or before December 1, (~~(2005)~~) 2016, and every (~~(seven)~~) ten  
11 years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit,  
12 and Skamania counties and the cities within those counties;

13 (c) On or before December 1, (~~(2006)~~) 2018, and every (~~(seven)~~) ten  
14 years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas,  
15 Spokane, and Yakima counties and the cities within those counties; and

16 (d) On or before December 1, (~~(2007)~~) 2020, and every (~~(seven)~~) ten  
17 years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin,  
18 Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend  
19 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the  
20 cities within those counties.

21 (5)(a) Nothing in this section precludes a county or city from  
22 conducting the review and evaluation required by this section before  
23 the time limits established in subsection (4) of this section.  
24 Counties and cities may begin this process early and may be eligible  
25 for grants from the department, subject to available funding, if they  
26 elect to do so.

27 (b) A county that is subject to a schedule established by (~~the~~  
28 ~~department under~~) subsection (4)(b) through (d) of this section and  
29 meets the following criteria may comply with the requirements of this  
30 section at any time within the thirty-six months following the date  
31 established in the applicable schedule: The county has a population of  
32 less than fifty thousand and has had its population increase by no more  
33 than seventeen percent in the ten years preceding the date established  
34 in the applicable schedule as of that date.

35 (c) A city that is subject to a schedule established by (~~the~~  
36 ~~department under~~) subsection (4)(b) through (d) of this section and  
37 meets the following criteria may comply with the requirements of this  
38 section at any time within the thirty-six months following the date

1 established in the applicable schedule: The city has a population of  
2 no more than five thousand and has had its population increase by the  
3 greater of either no more than one hundred persons or no more than  
4 seventeen percent in the ten years preceding the date established in  
5 the applicable schedule as of that date.

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

9 ~~(6) ((A county or city subject to the time periods in subsection  
10 (4)(a) of this section that, pursuant to an ordinance adopted by the  
11 county or city establishing a schedule for periodic review of its  
12 comprehensive plan and development regulations, has conducted a review  
13 and evaluation of its comprehensive plan and development regulations  
14 and, on or after January 1, 2001, has taken action in response to that  
15 review and evaluation shall be deemed to have conducted the first  
16 review required by subsection (4)(a) of this section. Subsequent  
17 review and evaluation by the county or city of its comprehensive plan  
18 and development regulations shall be conducted in accordance with the  
19 time periods established under subsection (4)(a) of this section.~~

20 ~~(7))~~ (a) The requirements imposed on counties and cities under  
21 this section shall be considered "requirements of this chapter" under  
22 the terms of RCW 36.70A.040(1). Only those counties and cities that  
23 meet the following criteria may receive grants, loans, pledges, or  
24 financial guarantees under chapter 43.155 or 70.146 RCW:

25 ~~((a))~~ (i) Complying with the schedules in this section;

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

29 ~~((c))~~ (iii) Complying with the extension provisions of subsection  
30 (5)(b) or (c) of this section ~~((may receive grants, loans, pledges, or~~  
31 ~~financial guarantees under chapter 43.155 or 70.146 RCW))~~.

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

1       ~~((8) Except as provided in subsection (5)(b) and (c) of this~~  
2 ~~section;~~

3       ~~(a) Counties and cities required to satisfy the requirements of~~  
4 ~~this section according to the schedule established by subsection (4)(b)~~  
5 ~~through (d) of this section may comply with the requirements of this~~  
6 ~~section for development regulations that protect critical areas one~~  
7 ~~year after the dates established in subsection (4)(b) through (d) of~~  
8 ~~this section;~~

9       ~~(b) Counties and cities complying with the requirements of this~~  
10 ~~section one year after the dates established in subsection (4)(b)~~  
11 ~~through (d) of this section for development regulations that protect~~  
12 ~~critical areas shall be deemed in compliance with the requirements of~~  
13 ~~this section; and~~

14       ~~(c) This subsection (8) applies only to the counties and cities~~  
15 ~~specified in subsection (4)(b) through (d) of this section, and only to~~  
16 ~~the requirements of this section for development regulations that~~  
17 ~~protect critical areas that must be satisfied by December 1, 2005,~~  
18 ~~December 1, 2006, and December 1, 2007.~~

19       ~~(9)) (7) Notwithstanding ((subsection (8) of this section and))~~  
20 ~~the substantial progress provisions of subsection((s (7) and (10))) (6)~~  
21 ~~of this section, only those counties and cities complying with the~~  
22 ~~schedule in subsection (4) of this section, or the extension provisions~~  
23 ~~of subsection (5)(b) or (c) of this section, may receive preferences~~  
24 ~~for grants, loans, pledges, or financial guarantees under chapter~~  
25 ~~43.155 or 70.146 RCW.~~

26       ~~((10) Until December 1, 2005, and notwithstanding subsection (7)~~  
27 ~~of this section, a county or city subject to the time periods in~~  
28 ~~subsection (4)(a) of this section demonstrating substantial progress~~  
29 ~~towards compliance with the schedules in this section for its~~  
30 ~~comprehensive land use plan and development regulations may receive~~  
31 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~  
32 ~~70.146 RCW. A county or city that is fewer than twelve months out of~~  
33 ~~compliance with the schedules in this section for its comprehensive~~  
34 ~~land use plan and development regulations is deemed to be making~~  
35 ~~substantial progress towards compliance.))~~

36       **Sec. 2.** RCW 90.58.080 and 2007 c 170 s 1 are each amended to read  
37 as follows:

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

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

9 (i) On or before December 1, 2005, for the city of Port Townsend,  
10 the city of Bellingham, the city of Everett, Snohomish county, and  
11 Whatcom county;

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

14 (iii) Except as provided by (a)(i) and (ii) of this subsection, on  
15 or before December 1, 2011, for Clallam, Clark, Jefferson, King,  
16 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the  
17 cities within those counties;

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

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

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

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

31 ~~(3)((a) Following approval by the department of a new or amended~~  
32 ~~master program, local governments required to develop or amend master~~  
33 ~~programs on or before December 1, 2009, as provided by subsection~~  
34 ~~(2)(a)(i) and (ii) of this section, shall be deemed to have complied~~  
35 ~~with the schedule established by subsection (2)(a)(iii) of this section~~  
36 ~~and shall not be required to complete master program amendments until~~  
37 ~~seven years after the applicable dates established by subsection~~  
38 ~~(2)(a)(iii) of this section. Any jurisdiction listed in subsection~~

1 ~~(2)(a)(i) of this section that has a new or amended master program~~  
2 ~~approved by the department on or after March 1, 2002, but before July~~  
3 ~~27, 2003, shall not be required to complete master program amendments~~  
4 ~~until seven years after the applicable date provided by subsection~~  
5 ~~(2)(a)(iii) of this section.~~

6 ~~(b) Following approval by the department of a new or amended master~~  
7 ~~program, local governments choosing to develop or amend master programs~~  
8 ~~on or before December 1, 2009, shall be deemed to have complied with~~  
9 ~~the schedule established by subsection (2)(a)(iii) through (vi) of this~~  
10 ~~section and shall not be required to complete master program amendments~~  
11 ~~until seven years after the applicable dates established by subsection~~  
12 ~~(2)(a)(iii) through (vi) of this section.~~

13 ~~(4) Local governments shall conduct a review of their master~~  
14 ~~programs at least once every seven years after the applicable dates~~  
15 ~~established by subsection (2)(a)(iii) through (vi) of this section.~~  
16 ~~Following the review required by this subsection (4), local governments~~  
17 ~~shall, if necessary, revise their master programs.)~~ Following the  
18 initial adoption of updated shoreline master programs as provided in  
19 subsection (2) of this section, counties and cities shall take action  
20 to review and, if needed, revise their shoreline master programs as  
21 follows:

22 (a) On or before December 1, 2021, and every ten years thereafter,  
23 for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish,  
24 Thurston, and Whatcom counties and the cities within those counties;

25 (b) On or before December 1, 2023, and every ten years thereafter,  
26 for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania  
27 counties and the cities within those counties;

28 (c) On or before December 1, 2025, and every ten years thereafter,  
29 for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima  
30 counties and the cities within those counties; and

31 (d) On or before December 1, 2027, and every ten years thereafter,  
32 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor,  
33 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,  
34 Wahkiakum, Walla Walla, and Whitman counties and the cities within  
35 those counties.

36 (4) The purpose of the review required by subsection (3) of this  
37 section is:



1 (a) To assure that the master program complies with applicable law  
2 and guidelines in effect at the time of the review; and

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

6 (5) Local governments are encouraged to begin the process of  
7 developing or amending their master programs early and are eligible for  
8 grants from the department as provided by RCW 90.58.250, subject to  
9 available funding. Except for those local governments listed in  
10 subsection (2)(a)(i) and (ii) of this section, the deadline for  
11 completion of the new or amended master programs shall be two years  
12 after the date the grant is approved by the department. Subsequent  
13 master program review dates shall not be altered by the provisions of  
14 this subsection.

15 (6)(a) Grants to local governments for developing and amending  
16 master programs pursuant to the schedule established by this section  
17 shall be provided at least two years before the adoption dates  
18 specified in subsection (2) of this section. To the extent possible,  
19 the department shall allocate grants within the amount appropriated for  
20 such purposes to provide reasonable and adequate funding to local  
21 governments that have indicated their intent to develop or amend master  
22 programs during the biennium according to the schedule established by  
23 subsection (2) of this section. Any local government that applies for  
24 but does not receive funding to comply with the provisions of  
25 subsection (2) of this section may delay the development or amendment  
26 of its master program until the following biennium.

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

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

36 (7) Notwithstanding the provisions of this section, all local  
37 governments subject to the requirements of this chapter that have not  
38 developed or amended master programs on or after March 1, 2002, shall,

1 no later than December 1, 2014, develop or amend their master programs  
2 to comply with guidelines adopted by the department after January 1,  
3 2003.

4 (8) Local governments may be provided an additional year beyond the  
5 deadlines in this section to complete their master program or  
6 amendment. The department shall grant the request if it determines  
7 that the local government is likely to adopt or amend its master  
8 program within the additional year.

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