
HOUSE BILL 2525

State of Washington 65th Legislature 2018 Regular Session

By Representatives Pike, Blake, Vick, Shea, Manweller, and Eslick

Read first time 01/10/18. Referred to Committee on Environment.

1 AN ACT Relating to consistency of growth management act plans and
2 development regulations with the Revised Code of Washington; amending
3 RCW 36.70A.120, 36.70A.130, 36.70A.280, and 36.70A.280; and creating
4 a new section.

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

6 NEW SECTION. **Sec. 1.** When the legislature enacts a statute, the
7 provisions of the law become effective before local governments have
8 the opportunity to update their comprehensive plans and development
9 regulations. The local jurisdiction is not in violation of the growth
10 management act in situations where it complies with the Revised Code
11 of Washington in advance of the comprehensive plan updates set out
12 within this chapter. Local jurisdictions may not prevent what the
13 Revised Code of Washington authorizes just because the comprehensive
14 plan has not been updated.

15 **Sec. 2.** RCW 36.70A.120 and 1993 sp.s. c 6 s 3 are each amended
16 to read as follows:

17 Each county and city that is required or chooses to plan under
18 RCW 36.70A.040 shall perform its activities and make capital budget
19 decisions in conformity with its comprehensive plan. Each county and
20 city may authorize, permit, and perform activities in compliance with

1 the Revised Code of Washington without being in conformance with a
2 comprehensive plan or land use map.

3 **Sec. 3.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
4 read as follows:

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

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

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

29 (d) Any amendment of or revision to a comprehensive land use plan
30 shall conform to this chapter. Any amendment of or revision to
31 development regulations shall be consistent with and implement the
32 comprehensive plan. A development regulation that implements a
33 section of the Revised Code of Washington does not have to be
34 consistent with the comprehensive plan and land use map.

35 (2)(a) Each county and city shall establish and broadly
36 disseminate to the public a public participation program consistent
37 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
38 schedules whereby updates, proposed amendments, or revisions of the
39 comprehensive plan are considered by the governing body of the county

1 or city no more frequently than once every year, except that, until
2 December 31, 2015, the program shall provide for consideration of
3 amendments of an urban growth area in accordance with RCW 36.70A.1301
4 once every year. "Updates" means to review and revise, if needed,
5 according to subsection (1) of this section, and the deadlines in
6 subsections (4) and (5) of this section or in accordance with the
7 provisions of subsection (6) of this section. Amendments may be
8 considered more frequently than once per year under the following
9 circumstances:

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

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

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

22 (iv) The amendment of the capital facilities element of a
23 comprehensive plan that occurs concurrently with the adoption or
24 amendment of a county or city budget; or

25 (v) The adoption of comprehensive plan amendments necessary to
26 enact a planned action under RCW (~~43.21C.031~~) 43.21C.440(2),
27 provided that amendments are considered in accordance with the public
28 participation program established by the county or city under this
29 subsection (2)(a) and all persons who have requested notice of a
30 comprehensive plan update are given notice of the amendments and an
31 opportunity to comment.

32 (b) Except as otherwise provided in (a) of this subsection, all
33 proposals shall be considered by the governing body concurrently so
34 the cumulative effect of the various proposals can be ascertained.
35 However, after appropriate public participation a county or city may
36 adopt amendments or revisions to its comprehensive plan that conform
37 with this chapter whenever an emergency exists or to resolve an
38 appeal of a comprehensive plan filed with the growth management
39 hearings board or with the court.

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

11 (b) The county comprehensive plan designating urban growth areas,
12 and the densities permitted in the urban growth areas by the
13 comprehensive plans of the county and each city located within the
14 urban growth areas, shall be revised to accommodate the urban growth
15 projected to occur in the county for the succeeding twenty-year
16 period. The review required by this subsection may be combined with
17 the review and evaluation required by RCW 36.70A.215.

18 (4) Except as provided in subsection (6) of this section,
19 counties and cities shall take action to review and, if needed,
20 revise their comprehensive plans and development regulations to
21 ensure the plan and regulations comply with the requirements of this
22 chapter as follows:

23 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,
24 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and
25 the cities within those counties;

26 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
27 Mason, San Juan, Skagit, and Skamania counties and the cities within
28 those counties;

29 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
30 Grant, Kittitas, Spokane, and Yakima counties and the cities within
31 those counties; and

32 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,
33 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
34 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
35 Whitman counties and the cities within those counties.

36 (5) Except as otherwise provided in subsections (6) and (8) of
37 this section, following the review of comprehensive plans and
38 development regulations required by subsection (4) of this section,
39 counties and cities shall take action to review and, if needed,
40 revise their comprehensive plans and development regulations to

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

3 (a) On or before June 30, 2015, and every eight years thereafter,
4 for King, Pierce, and Snohomish counties and the cities within those
5 counties;

6 (b) On or before June 30, 2016, and every eight years thereafter,
7 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,
8 Skagit, Thurston, and Whatcom counties and the cities within those
9 counties;

10 (c) On or before June 30, 2017, and every eight years thereafter,
11 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,
12 Spokane, and Yakima counties and the cities within those counties;
13 and

14 (d) On or before June 30, 2018, and every eight years thereafter,
15 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays
16 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
17 Wahkiakum, Walla Walla, and Whitman counties and the cities within
18 those counties.

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

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

33 (c) A city that is subject to a deadline established in
34 subsection (4)(b) through (d) of this section and meets the following
35 criteria may comply with the requirements of this section at any time
36 within the thirty-six months following the deadline established in
37 subsection (4) of this section: The city has a population of no more
38 than five thousand and has had its population increase by the greater
39 of either no more than one hundred persons or no more than seventeen

1 percent in the ten years preceding the deadline established in
2 subsection (4) of this section as of that date.

3 (d) A county or city that is subject to a deadline established in
4 subsection (4)(d) of this section and that meets the criteria
5 established in (b) or (c) of this subsection may comply with the
6 requirements of subsection (4)(d) of this section at any time within
7 the thirty-six months after the extension provided in (b) or (c) of
8 this subsection.

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

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

26 (g) State agencies are encouraged to provide technical assistance
27 to the counties and cities in the review of critical area ordinances,
28 comprehensive plans, and development regulations.

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

34 (i) Complying with the deadlines in this section;

35 (ii) Demonstrating substantial progress towards compliance with
36 the schedules in this section for development regulations that
37 protect critical areas; or

38 (iii) Complying with the extension provisions of subsection
39 (6)(b), (c), or (d) of this section.

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

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

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

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

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

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

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

27 (v) Three or more years have elapsed since the receipt of
28 funding.

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

38 **Sec. 4.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
39 read as follows:

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

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

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

14 (c) That the approval of a work plan adopted under RCW
15 36.70A.735(1)(a) is not in compliance with the requirements of the
16 program established under RCW 36.70A.710;

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

20 (e) That a department certification under RCW 36.70A.735(1)(c) is
21 erroneous; or

22 (f) That a department determination under RCW 36.70A.060(1)(d) is
23 erroneous.

24 (2) Actions and development regulations enacted, adopted, or
25 implemented by a county or city in conformance with provisions of the
26 Revised Code of Washington enacted within one year of or subsequent
27 to the adoption of a comprehensive plan under the eight-year schedule
28 of RCW 36.70A.130 are not subject to challenge as being inconsistent
29 with the comprehensive plan until at least eight years have passed
30 without the comprehensive plan being updated to reflect modified
31 provisions of the Revised Code of Washington.

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

38 ((+3)) (4) For purposes of this section "person" means any
39 individual, partnership, corporation, association, state agency,

1 governmental subdivision or unit thereof, or public or private
2 organization or entity of any character.

3 ~~((4))~~ (5) To establish participation standing under subsection
4 ~~((2))~~ (3)(b) of this section, a person must show that his or her
5 participation before the county or city was reasonably related to the
6 person's issue as presented to the board.

7 ~~((5))~~ (6) When considering a possible adjustment to a growth
8 management planning population projection prepared by the office of
9 financial management, the board shall consider the implications of
10 any such adjustment to the population forecast for the entire state.

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

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

21 **Sec. 5.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
22 read as follows:

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

25 (a) That, except as provided otherwise by this subsection, a
26 state agency, county, or city planning under this chapter is not in
27 compliance with the requirements of this chapter, chapter 90.58 RCW
28 as it relates to the adoption of shoreline master programs or
29 amendments thereto, or chapter 43.21C RCW as it relates to plans,
30 development regulations, or amendments, adopted under RCW 36.70A.040
31 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
32 to hear petitions alleging noncompliance with RCW 36.70A.5801;

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

36 (c) That the approval of a work plan adopted under RCW
37 36.70A.735(1)(a) is not in compliance with the requirements of the
38 program established under RCW 36.70A.710;

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

4 (e) That a department certification under RCW 36.70A.735(1)(c) is
5 erroneous.

6 (2) Actions and development regulations enacted, adopted, or
7 implemented by a county or city in conformance with provisions of the
8 Revised Code of Washington enacted within one year of or subsequent
9 to the adoption of a comprehensive plan under the eight-year schedule
10 of RCW 36.70A.130 are not subject to challenge as being inconsistent
11 with the comprehensive plan until at least eight years have passed
12 without the comprehensive plan being updated to reflect modified
13 provisions of the Revised Code of Washington.

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

20 ((+3)) (4) For purposes of this section "person" means any
21 individual, partnership, corporation, association, state agency,
22 governmental subdivision or unit thereof, or public or private
23 organization or entity of any character.

24 ((+4)) (5) To establish participation standing under subsection
25 ((+2)) (3)(b) of this section, a person must show that his or her
26 participation before the county or city was reasonably related to the
27 person's issue as presented to the board.

28 ((+5)) (6) When considering a possible adjustment to a growth
29 management planning population projection prepared by the office of
30 financial management, the board shall consider the implications of
31 any such adjustment to the population forecast for the entire state.

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

35 If adjusted by the board, a county growth management planning
36 population projection shall only be used for the planning purposes
37 set forth in this chapter and shall be known as the "board adjusted
38 population projection." None of these changes shall affect the
39 official state and county population forecasts prepared by the office

1 of financial management, which shall continue to be used for state
2 budget and planning purposes.

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