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**SUBSTITUTE HOUSE BILL 2427**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Duerr, Springer, Shewmake, Doglio, Fitzgibbon, Ryu, Gregerson, Santos, Tharinger, Davis, Macri, Pollet, Goodman, and Wylie)

READ FIRST TIME 02/06/20.

1 AN ACT Relating to tackling climate change as a goal of the  
2 growth management act; and amending RCW 36.70A.020 and 36.70A.480.

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

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

6 The following goals are adopted to guide the development and  
7 adoption of comprehensive plans and development regulations of those  
8 counties and cities that are required or choose to plan under RCW  
9 36.70A.040 and, where specified, also guide the development of  
10 regional policies, plans, and strategies adopted under RCW 36.70A.210  
11 and chapter 47.80 RCW. It is the intent of the legislature that new  
12 or amended goals required after January 1, 2020, be adopted  
13 concurrent with the scheduled update provided in RCW 36.70A.130. The  
14 following goals are not listed in order of priority and shall be used  
15 exclusively for the purpose of guiding the development of  
16 comprehensive plans ((and)), development regulations, and, where  
17 specified, regional plans, policies, and strategies:

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

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

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

6 (4) Housing. Encourage the availability of affordable housing to  
7 all economic segments of the population of this state, promote a  
8 variety of residential densities and housing types, and encourage  
9 preservation of existing housing stock.

10 (5) Economic development. Encourage economic development  
11 throughout the state that is consistent with adopted comprehensive  
12 plans, promote economic opportunity for all citizens of this state,  
13 especially for unemployed and for disadvantaged persons, promote the  
14 retention and expansion of existing businesses and recruitment of new  
15 businesses, recognize regional differences impacting economic  
16 development opportunities, and encourage growth in areas experiencing  
17 insufficient economic growth, all within the capacities of the  
18 state's natural resources, public services, and public facilities.

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

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

26 (8) Natural resource industries. Maintain and enhance natural  
27 resource-based industries, including productive timber, agricultural,  
28 and fisheries industries. Encourage the conservation of productive  
29 forestlands and productive agricultural lands, and discourage  
30 incompatible uses.

31 (9) Open space and recreation. Retain open space, enhance  
32 recreational opportunities, conserve fish and wildlife habitat,  
33 increase access to natural resource lands and water, and develop  
34 parks and recreation facilities.

35 (10) Environment. Protect the environment and enhance the state's  
36 high quality of life, including air and water quality, and the  
37 availability of water.

38 (11) Citizen participation and coordination. Encourage the  
39 involvement of citizens in the planning process and ensure

1 coordination between communities and jurisdictions to reconcile  
2 conflicts.

3 (12) Public facilities and services. Ensure that those public  
4 facilities and services necessary to support development shall be  
5 adequate to serve the development at the time the development is  
6 available for occupancy and use without decreasing current service  
7 levels below locally established minimum standards.

8 (13) Historic preservation. Identify and encourage the  
9 preservation of lands, sites, and structures, that have historical or  
10 archaeological significance.

11 (14)(a) Climate change. Develop and implement comprehensive  
12 plans, development regulations, and regional policies, plans, and  
13 strategies under RCW 36.70A.210 and chapter 47.80 RCW that help  
14 achieve state greenhouse gas emission reduction limits; adapt to the  
15 effects of a changing climate; build resilient infrastructure; and  
16 protect people and property from natural hazards exacerbated by the  
17 changing climate.

18 (b) The goals of (a) of this subsection (14) only apply to  
19 counties, and cities within those counties, that are required to  
20 establish a review and evaluation program under RCW 36.70A.215 or  
21 that have a population of greater than three hundred thousand as  
22 determined by the office of financial management population  
23 estimates. Because of the benefits of doing so, other counties, and  
24 the cities within those counties, are encouraged to consider climate  
25 change to be a goal of this chapter, consistent with (a) of this  
26 subsection (14).

27 **Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to  
28 read as follows:

29 (1) For shorelines of the state, the goals and policies of the  
30 shoreline management act as set forth in RCW 90.58.020 are added as  
31 one of the goals of this chapter as set forth in RCW 36.70A.020  
32 without creating an order of priority among the (~~fourteen~~) fifteen  
33 goals. The goals and policies of a shoreline master program for a  
34 county or city approved under chapter 90.58 RCW shall be considered  
35 an element of the county or city's comprehensive plan. All other  
36 portions of the shoreline master program for a county or city adopted  
37 under chapter 90.58 RCW, including use regulations, shall be  
38 considered a part of the county or city's development regulations.

1 (2) The shoreline master program shall be adopted pursuant to the  
2 procedures of chapter 90.58 RCW rather than the goals, policies, and  
3 procedures set forth in this chapter for the adoption of a  
4 comprehensive plan or development regulations.

5 (3) (a) The policies, goals, and provisions of chapter 90.58 RCW  
6 and applicable guidelines shall be the sole basis for determining  
7 compliance of a shoreline master program with this chapter except as  
8 the shoreline master program is required to comply with the internal  
9 consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125,  
10 and 35A.63.105.

11 (b) Except as otherwise provided in (c) of this subsection,  
12 development regulations adopted under this chapter to protect  
13 critical areas within shorelines of the state apply within shorelines  
14 of the state until the department of ecology approves one of the  
15 following: A comprehensive master program update, as defined in RCW  
16 90.58.030; a segment of a master program relating to critical areas,  
17 as provided in RCW 90.58.090; or a new or amended master program  
18 approved by the department of ecology on or after March 1, 2002, as  
19 provided in RCW 90.58.080. The adoption or update of development  
20 regulations to protect critical areas under this chapter prior to  
21 department of ecology approval of a master program update as provided  
22 in this subsection is not a comprehensive or segment update to the  
23 master program.

24 (c) (i) Until the department of ecology approves a master program  
25 or segment of a master program as provided in (b) of this subsection,  
26 a use or structure legally located within shorelines of the state  
27 that was established or vested on or before the effective date of the  
28 local government's development regulations to protect critical areas  
29 may continue as a conforming use and may be redeveloped or modified  
30 if: (A) The redevelopment or modification is consistent with the  
31 local government's master program; and (B) the local government  
32 determines that the proposed redevelopment or modification will  
33 result in no net loss of shoreline ecological functions. The local  
34 government may waive this requirement if the redevelopment or  
35 modification is consistent with the master program and the local  
36 government's development regulations to protect critical areas.

37 (ii) For purposes of this subsection (3)(c), an agricultural  
38 activity that does not expand the area being used for the  
39 agricultural activity is not a redevelopment or modification.

1 "Agricultural activity," as used in this subsection (3)(c), has the  
2 same meaning as defined in RCW 90.58.065.

3 (d) Upon department of ecology approval of a shoreline master  
4 program or critical area segment of a shoreline master program,  
5 critical areas within shorelines of the state are protected under  
6 chapter 90.58 RCW and are not subject to the procedural and  
7 substantive requirements of this chapter, except as provided in  
8 subsection (6) of this section. Nothing in chapter 321, Laws of 2003  
9 or chapter 107, Laws of 2010 is intended to affect whether or to what  
10 extent agricultural activities, as defined in RCW 90.58.065, are  
11 subject to chapter 36.70A RCW.

12 (e) The provisions of RCW 36.70A.172 shall not apply to the  
13 adoption or subsequent amendment of a local government's shoreline  
14 master program and shall not be used to determine compliance of a  
15 local government's shoreline master program with chapter 90.58 RCW  
16 and applicable guidelines. Nothing in this section, however, is  
17 intended to limit or change the quality of information to be applied  
18 in protecting critical areas within shorelines of the state, as  
19 required by chapter 90.58 RCW and applicable guidelines.

20 (4) Shoreline master programs shall provide a level of protection  
21 to critical areas located within shorelines of the state that assures  
22 no net loss of shoreline ecological functions necessary to sustain  
23 shoreline natural resources as defined by department of ecology  
24 guidelines adopted pursuant to RCW 90.58.060.

25 (5) Shorelines of the state shall not be considered critical  
26 areas under this chapter except to the extent that specific areas  
27 located within shorelines of the state qualify for critical area  
28 designation based on the definition of critical areas provided by RCW  
29 36.70A.030(~~((5))~~) (6) and have been designated as such by a local  
30 government pursuant to RCW 36.70A.060(2).

31 (6) If a local jurisdiction's master program does not include  
32 land necessary for buffers for critical areas that occur within  
33 shorelines of the state, as authorized by RCW 90.58.030(2)(~~((f))~~)  
34 (d), then the local jurisdiction shall continue to regulate those  
35 critical areas and their required buffers pursuant to RCW  
36 36.70A.060(2).

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