

**E2SHB 1220** - S AMD TO S AMD (S-2707.2/21) **817**

By Senator Fortunato

**NOT ADOPTED 04/10/2021**

1 On page 18, line 28, insert the following:

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3 **"Sec. 7.** RCW 36.70A.130 and 2020 c 113 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,  
8 a 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  
17 to ensure these policies and regulations comply with the  
18 requirements of this chapter according to the deadlines in  
19 subsections (4) and (5) of this section. Legislative action means  
20 the adoption of a resolution or ordinance following notice and a  
21 public hearing indicating at a minimum, a finding that a review and  
22 evaluation has occurred and identifying the revisions made, or that  
23 a revision was not needed and 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  
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1 population allocated to a city or county from the most recent ten-  
2 year population forecast by the office of financial management.

3 (d) Any amendment of or revision to a comprehensive land use  
4 plan shall conform to this chapter. Any amendment of or revision to  
5 development regulations shall be consistent with and implement the  
6 comprehensive plan.

7 (e) The review and evaluation required under this subsection  
8 must include consideration of available housing and buildable lands,  
9 not including open space dedicated to recreation, public or private,  
10 or school property, and critical areas.

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

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

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

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

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1 (iv) The amendment of the capital facilities element of a  
2 comprehensive plan that occurs concurrently with the adoption or  
3 amendment of a county or city budget; or

4 (v) The adoption of comprehensive plan amendments necessary to  
5 enact a planned action under RCW 43.21C.440, provided that  
6 amendments are considered in accordance with the public  
7 participation program established by the county or city under this  
8 subsection (2)(a) and all persons who have requested notice of a  
9 comprehensive plan update are given notice of the amendments and an  
10 opportunity to comment.

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

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

29 (b) The county comprehensive plan designating urban growth  
30 areas, 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  
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1 period. The review required by this subsection may be combined with  
2 the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

20 (5) Except as otherwise provided in subsections (6) and (8) of  
21 this section, following the review of comprehensive plans and  
22 development regulations required by subsection (4) of this section,  
23 counties and cities shall take action to review and, if needed,  
24 revise their comprehensive plans and development regulations to  
25 ensure the plan and regulations comply with the requirements of this  
26 chapter as follows:

27 (a) On or before June 30, 2024, and every eight years  
28 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the  
29 cities within those counties;

30 (b) On or before June 30, 2025, and every eight years  
31 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San  
32 Juan, Skagit, Thurston, and Whatcom counties and the cities within  
33 those counties;

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1 (c) On or before June 30, 2026, and every eight years  
2 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,  
3 Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and  
4 the cities within those counties; and

5 (d) On or before June 30, 2027, and every eight years  
6 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,  
7 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
8 Stevens, Wahkiakum, and Whitman counties and the cities within those  
9 counties.

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

16 (b) A county that is subject to a deadline established in  
17 subsection (5)(a)(ii) through (iv) [(b) through (d)] of this section  
18 and meets the following criteria may comply with the requirements of  
19 this section at any time within the twenty-four months following the  
20 deadline established in subsection (5) of this section: The county  
21 has a population of less than fifty thousand and has had its  
22 population increase by no more than seventeen percent in the ten  
23 years preceding the deadline established in subsection (5) of this  
24 section as of that date.

25 (c) A city that is subject to a deadline established in  
26 subsection (5)(a)(ii) through (iv) [(b) through (d)] of this section  
27 and meets the following criteria may comply with the requirements of  
28 this section at any time within the twenty-four months following the  
29 deadline established in subsection (5) of this section: The city has  
30 a population of no more than five thousand and has had its  
31 population increase by the greater of either no more than one  
32 hundred persons or no more than seventeen percent in the ten years  
33 preceding the deadline established in subsection (5) of this section  
34 as of that date.

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

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

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

10 (ii) Demonstrating substantial progress towards compliance with  
11 the schedules in this section for development regulations that  
12 protect critical areas.

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

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

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

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

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

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1 (iii) The adoption or amendment of the development regulations  
2 is necessary to enable the county to respond to an order of the  
3 growth management hearings board or court;  
4 (iv) The adoption or amendment of development regulations is  
5 necessary to address a threat to human health or safety; or  
6 (v) Three or more years have elapsed since the receipt of funding.  
7 (c) Beginning ten years from the date of receipt of funding, a  
8 county that has made the election under RCW 36.70A.710(1) must  
9 review and, if necessary, revise development regulations to protect  
10 critical areas as they specifically apply to agricultural activities  
11 in a participating watershed in accordance with the review and  
12 revision requirements and timeline in subsection (5) of this  
13 section. This subsection (8)(c) does not apply to a participating  
14 watershed that has determined under RCW 36.70A.720(2)(c)(ii) that  
15 the watershed's goals and benchmarks for protection have been met."

16 Renumber the remaining section consecutively and correct any  
17 internal references accordingly.

18 **E2SHB 1220** S AMD TO S AMD (S-2707.2/21)

19 By Senator ....

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21 On page 20, line 8, after "36.70A.390," insert "36.70A.130, and  
22 36.70A.030"

**EFFECT:** Adds consideration of available housing and buildable  
lands to the review and evaluation of comprehensive plans and  
development regulations.

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