
SENATE BILL 5368

State of Washington

67th Legislature

2021 Regular Session

By Senators Short, Fortunato, and Wilson, L.

Read first time 01/28/21. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to encouraging rural economic development;
2 amending RCW 36.70A.020, 36.70A.280, 36.70A.330, 90.58.080, and
3 90.58.080; reenacting and amending RCW 36.70A.070 and 36.70A.130;
4 adding a new section to chapter 35A.14 RCW; adding new sections to
5 chapter 36.70A RCW; creating a new section; providing an effective
6 date; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that encouraging
9 economic development in rural areas is a compelling reason to amend
10 the growth management act. Additionally, creating a path forward for
11 cities and counties to collaboratively seek solutions to the
12 complicated issues regarding annexation will enable the local
13 jurisdictions to appropriately allocate development without competing
14 for resources.

15 Asking local jurisdictions to thoughtfully examine the status of
16 their local economy and its potential for growth moving forward has
17 been agreed upon as an appropriate addition to any jurisdiction's
18 comprehensive growth management plan. The legislature finds that
19 economic development is an equally important value and goal within
20 the growth management act and should be thoughtfully considered
21 accordingly.

1 As the growth management act has evolved and grown over time, it
2 has become a trap for smaller jurisdictions. Small, rural
3 jurisdictions need a safe harbor and an ally to help them effectively
4 plan for their futures while giving them space from the threat of
5 impending litigation costs. The legislature finds that a voluntary,
6 limited safe harbor with assistance from the state may provide that
7 necessary space for small rural jurisdictions to be able to invest
8 their limited funds into growing their community instead of
9 continually defending it from well-meaning outsiders. Small
10 jurisdictions, particularly, in this climate are struggling to decide
11 how to spend their limited funds. Adding more planning requirements
12 only stretches nonexistent dollars. Looking forward, until the
13 legislature finds that funding for planning for growth is a priority,
14 these jurisdictions should not be punished, but instead encouraged to
15 continue their planning endeavors. As such, the smallest, poorest
16 jurisdictions should be given time and space to plan without being
17 burdened by the requirements necessary to their bigger, more
18 prosperous colleagues. The legislature finds that the rural areas of
19 the state are important to this state and, during these difficult
20 times, it is important to enable rural areas to focus on their
21 economic development and growth.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.14
23 RCW to read as follows:

24 (1) A code city as provided in RCW 35A.14.296(2) may collaborate
25 with the county or counties where the code city is located to form an
26 interlocal agreement regarding annexation of unincorporated territory
27 within the urban growth area boundary. The interlocal agreement must
28 be formed consistent with the planning requirements of chapter 36.70A
29 RCW. This method of annexation shall be an alternative method and is
30 additional to all other methods provided for in this chapter.

31 (2) An interlocal agreement under this section will qualify the
32 city for the annexation sales tax credit.

33 (3) The agreement or plan under this section must address the
34 following:

35 (a) A balancing of annexations of commercial, industrial, and
36 residential properties so that any potential loss or gain is
37 considered and distributed fairly as determined by tax revenue;

38 (b) Development, ownership, and maintenance of infrastructure;

39 (c) The potential for revenue-sharing agreements.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A

2 RCW to read as follows:

3 (1) The economic development element required by RCW
4 36.70A.070(7) may include the following:

5 (a) A summary of the local economy, such as population,
6 employment, payroll, sectors, businesses, sales, and other
7 information as appropriate;

8 (b) A summary of the strengths and weaknesses of the local
9 economy, which may include the commercial, industrial, manufacturing,
10 natural resource, and other locally significant economic sectors and
11 supporting factors such as land use, transportation, utilities,
12 education, workforce, housing, and natural/cultural resources;

13 (c) An identification of policies, programs, and projects to
14 foster economic growth and development and to address future needs;

15 (d) Policies to promote increases in family, individual, and
16 business incomes;

17 (e) An examination of whether sites planned for economic
18 development have adequate public facilities and services, and, as
19 appropriate, a plan for any needed public facilities and services;

20 (f) Policies to encourage access to education and training for
21 family wage jobs; and

22 (g) Policies and opportunities to address economic development
23 including existing industries and businesses, value-added
24 manufacturing of locally produced natural resources, and the use of
25 locally produced energy and other natural resources.

26 (2) Each county and city planning under this chapter is
27 encouraged to adopt comprehensive plans and development regulations
28 that promote economic development in urban and rural areas, and
29 evaluate economic performance in the jurisdiction in the time since
30 the most recent update to the comprehensive plan. Each county and
31 city planning under this chapter may make findings regarding the
32 economic condition of the jurisdiction. If there is stagnation or
33 economic deterioration during the period of time since the most
34 recent update to the comprehensive plan, the comprehensive plan and
35 development regulations may be modified to increase economic
36 development opportunities.

37 (3)(a) Counties with a population of less than 75,000 as of
38 January 1, 2021, as determined by the office of financial management
39 and published on April 1, 2021, that are planning under this chapter,
40 and the cities within those counties, may identify policies,

1 programs, and development opportunities to address the potential for
2 economic deterioration and to seize economic development
3 opportunities that may deviate from prescriptive interpretations of
4 this chapter.

5 (b) For purposes of this section, economic deterioration is
6 exemplified by, but not limited to, any combination of the following
7 performance outcomes:

8 (i) Incomes that are at least \$10,000 less than the statewide
9 median household income for the same year as established by the
10 office of financial management;

11 (ii) A decrease in the county's household median income during
12 any year within the prior eight years;

13 (iii) The inability of the jurisdiction to add new full-time jobs
14 in sufficient quantities to provide for population increases;

15 (iv) Decreases or stagnation of economic start-ups during
16 multiple years within the prior eight years;

17 (v) Unemployment rates that are higher than the national and
18 statewide averages over multiple years within the prior eight years;
19 and

20 (vi) Decreases or stagnation in the issuance of commercial
21 building permits during multiple years.

22 (4) In situations where the competing goals of this chapter would
23 restrain economic development in the counties described in subsection
24 (3)(a) of this section, and the cities within those counties, that
25 are experiencing economic deterioration, the growth management
26 hearings board and courts shall afford deference to local development
27 choices that make economic development a priority, consistent with
28 the presumption of validity required under RCW 36.70A.320.

29 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A
30 RCW to read as follows:

31 (1) For certain countywide planning policy, comprehensive plan,
32 and development regulations specified in this section, counties and
33 their cities may apply for a determination of compliance from the
34 department finding that the action is in compliance with the
35 requirements of this chapter and chapter 43.21C RCW and the
36 applicable rules.

37 (2) Counties and cities may submit the following actions to the
38 department for approval under this subsection:

39 (a) Development of or amendments to the housing element;

1 (b) Development of or amendments to comprehensive plan or
2 development regulations designating or protecting critical areas;

3 (c) Development of or amendments to comprehensive plan or
4 development regulations to designate or assure the conservation of
5 resource lands;

6 (d) Development of or amendments to countywide planning policy,
7 comprehensive plan, or development regulation amendments that change
8 the urban growth area;

9 (e) Countywide planning policy, comprehensive plan, or
10 development regulation amendments that govern the siting of essential
11 public facilities;

12 (f) Findings of noncompliance referred to the department by the
13 growth management hearings board under RCW 36.70A.330.

14 (3) Matters submitted to the department for approval become
15 effective when approved by the department as provided in subsection
16 (5) of this section.

17 (4)(a) Upon receipt of a proposed comprehensive plan, development
18 regulation, or countywide planning policy, the department shall:

19 (i) Provide notice to and opportunity for written comment by all
20 interested parties of record as a part of the local government review
21 process for the proposal and to all persons, groups, and agencies
22 that have requested in writing notice of the proposed action. The
23 comment period shall be at least 30 days, unless the department
24 determines that the level of complexity or controversy involved
25 supports a shorter period;

26 (ii) In the department's discretion, conduct a public hearing
27 during the 30-day comment period in the jurisdiction proposing the
28 comprehensive plan, development regulation, or countywide planning
29 policy;

30 (iii) Within 15 days after the close of public comment, request
31 the local government to review the issues identified by the public,
32 interested parties, groups, and agencies and provide a written
33 response as to how the proposal addresses the identified issues;

34 (iv) Within 30 days after receipt of the local government
35 response pursuant to (a)(iii) of this subsection, make written
36 findings and conclusions regarding the consistency of the proposal
37 with the goals and requirements of the growth management act and with
38 applicable guidelines and procedural criteria adopted by the
39 department, provide a response to the issues identified in (a)(iii)
40 of this subsection, and either approve the comprehensive plan,

1 development regulation, or countywide planning policy as submitted,
2 recommend specific changes necessary to make the comprehensive plan,
3 development regulation, or countywide planning policy approvable, or
4 deny approval of the comprehensive plan, development regulation, or
5 countywide planning policy in those instances where no alternative
6 comprehensive plan, development regulation, or countywide planning
7 policy appears likely to be consistent with the goals and
8 requirements of the growth management act and with applicable
9 guidelines and procedural criteria adopted by the department. The
10 written findings and conclusions shall be provided to the local
11 government, and made available to all interested persons, parties,
12 groups, and agencies of record on the proposal.

13 (b) If the department recommends changes to the proposed
14 comprehensive plan, development regulation, or countywide planning
15 policy, within 90 days after the department mails the written
16 findings and conclusions to the local government, the local
17 government may:

18 (i) Agree to the proposed changes by written notice to the
19 department; or

20 (ii) Submit an alternative comprehensive plan, development
21 regulation, or countywide planning policy. If, in the opinion of the
22 department, the alternative is consistent with the purpose and intent
23 of the changes originally submitted by the department and with this
24 chapter, it shall approve the changes and provide notice to all
25 recipients of the written findings and conclusions. If the department
26 determines the proposed comprehensive plan, development regulation,
27 or countywide planning policy is not consistent with the purpose and
28 intent of the changes proposed by the department, the department may
29 resubmit the proposed comprehensive plan, development regulation, or
30 countywide planning policy for public and agency review pursuant to
31 this section or reject the proposed comprehensive plan, development
32 regulation, or countywide planning policy.

33 (5) The department shall approve a proposed comprehensive plan,
34 development regulation, or countywide planning policy unless it
35 determines that the proposed comprehensive plan, development
36 regulation, or countywide planning policy is not consistent with the
37 goals and requirements of the growth management act and with
38 applicable guidelines and procedural criteria adopted by the
39 department.

1 (6) A comprehensive plan, development regulation, or countywide
2 planning policy takes effect when and in such form as approved or
3 adopted by the department. The effective date is 14 days from the
4 date of the department's written notice of final action to the local
5 government stating the department has approved or rejected the
6 proposed comprehensive plan, development regulation, or countywide
7 planning policy. The department's written notice to the local
8 government must conspicuously and plainly state that it is the
9 department's final decision and that there will be no further
10 modifications to the proposed comprehensive plan, development
11 regulation, or countywide planning policy. The department shall
12 maintain a record of each comprehensive plan, development regulation,
13 or countywide planning policy, the action taken on any proposed
14 comprehensive plan, development regulation, or countywide planning
15 policy, and any appeal of the department's action.

16 (7) Promptly after approval or disapproval of a comprehensive
17 plan, development regulation, or countywide planning policy, the
18 department shall publish a notice consistent in the Washington State
19 Register that the comprehensive plan, development regulation, or
20 countywide planning policy has been approved or disapproved.

21 (8) The department's final decision to approve or reject a
22 proposed comprehensive plan, development regulation, or countywide
23 planning policy may be appealed according to the following
24 provisions:

25 (a) The department's final decision to approve or reject a
26 comprehensive plan, development regulation, or countywide planning
27 policy may be appealed to the growth management hearings board by
28 filing a petition as provided in RCW 36.70A.290.

29 (b) A decision of the growth management hearings board concerning
30 an appeal of the department's final decision to approve or reject a
31 proposed greenhouse gas emissions reduction subelement or amendment
32 must be based solely on whether or not the adopted comprehensive
33 plan, development regulation, or countywide planning policy complies
34 with the goals and requirements of the growth management act and with
35 applicable guidelines and procedural criteria adopted by the
36 department, or chapter 43.21C RCW.

37 (c) If approval of a determination of compliance by the
38 department under this section is appealed to the growth management
39 hearings board under RCW 36.70A.280, the city or county may not be
40 determined to be ineligible or otherwise penalized in the acceptance

1 of applications or the awarding of state agency grants or loans under
2 RCW 43.17.250 during the pendency of the appeal before the board or
3 subsequent judicial appeals.

4 **Sec. 5.** 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. Any changes or additions to this chapter after December
10 2020 must only be mandatory two years after the requirement becomes
11 state law if funding sufficient to cover the additional costs is
12 specifically provided for those planning requirements by the state.

13 The following goals are not listed in order of priority and shall be
14 used exclusively for the purpose of guiding the development of
15 comprehensive plans and development regulations:

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

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

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

24 (4) Housing. Encourage the availability of affordable housing to
25 all economic segments of the population of this state, promote a
26 variety of residential densities and housing types, and encourage
27 preservation of existing housing stock.

28 (5) Economic development. Encourage economic development
29 throughout the state that is consistent with adopted comprehensive
30 plans, promote economic opportunity for all citizens of this state,
31 especially for unemployed and for disadvantaged persons, promote the
32 retention and expansion of existing businesses and recruitment of new
33 businesses, recognize regional differences impacting economic
34 development opportunities, and encourage growth in areas experiencing
35 insufficient economic growth, all within the capacities of the
36 state's natural resources, public services, and public facilities.

37 (6) Property rights. Private property shall not be taken for
38 public use without just compensation having been made. The property

1 rights of landowners shall be protected from arbitrary and
2 discriminatory actions.

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

6 (8) Natural resource industries. Maintain and enhance natural
7 resource-based industries, including productive timber, agricultural,
8 and fisheries industries. Encourage the conservation of productive
9 forestlands and productive agricultural lands, and discourage
10 incompatible uses.

11 (9) Open space and recreation. Retain open space, enhance
12 recreational opportunities, conserve fish and wildlife habitat,
13 increase access to natural resource lands and water, and develop
14 parks and recreation facilities.

15 (10) Environment. Protect the environment and enhance the state's
16 high quality of life, including air and water quality, and the
17 availability of water.

18 (11) Citizen participation and coordination. Encourage the
19 involvement of citizens in the planning process and ensure
20 coordination between communities and jurisdictions to reconcile
21 conflicts.

22 (12) Public facilities and services. Ensure that those public
23 facilities and services necessary to support development shall be
24 adequate to serve the development at the time the development is
25 available for occupancy and use without decreasing current service
26 levels below locally established minimum standards.

27 (13) Historic preservation. Identify and encourage the
28 preservation of lands, sites, and structures, that have historical or
29 archaeological significance.

30 **Sec. 6.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
31 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

32 The comprehensive plan of a county or city that is required or
33 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
34 and descriptive text covering objectives, principles, and standards
35 used to develop the comprehensive plan. The plan shall be an
36 internally consistent document and all elements shall be consistent
37 with the future land use map. A comprehensive plan shall be adopted
38 and amended with public participation as provided in RCW 36.70A.140.

1 Each comprehensive plan shall include a plan, scheme, or design for
2 each of the following:

3 (1) A land use element designating the proposed general
4 distribution and general location and extent of the uses of land,
5 where appropriate, for agriculture, timber production, housing,
6 commerce, industry, recreation, open spaces, general aviation
7 airports, public utilities, public facilities, and other land uses.
8 The land use element shall include population densities, building
9 intensities, and estimates of future population growth. The land use
10 element shall provide for protection of the quality and quantity of
11 groundwater used for public water supplies. Wherever possible, the
12 land use element should consider utilizing urban planning approaches
13 that promote physical activity. Where applicable, the land use
14 element shall review drainage, flooding, and stormwater runoff in the
15 area and nearby jurisdictions and provide guidance for corrective
16 actions to mitigate or cleanse those discharges that pollute waters
17 of the state, including Puget Sound or waters entering Puget Sound.

18 (2) A housing element ensuring the vitality and character of
19 established residential neighborhoods that: (a) Includes an inventory
20 and analysis of existing and projected housing needs that identifies
21 the number of housing units necessary to manage projected growth; (b)
22 includes a statement of goals, policies, objectives, and mandatory
23 provisions for the preservation, improvement, and development of
24 housing, including single-family residences; (c) identifies
25 sufficient land for housing, including, but not limited to,
26 government-assisted housing, housing for low-income families,
27 manufactured housing, multifamily housing, and group homes and foster
28 care facilities; and (d) makes adequate provisions for existing and
29 projected needs of all economic segments of the community. In
30 counties and cities subject to the review and evaluation requirements
31 of RCW 36.70A.215, any revision to the housing element shall include
32 consideration of prior review and evaluation reports and any
33 reasonable measures identified.

34 (3) A capital facilities plan element consisting of: (a) An
35 inventory of existing capital facilities owned by public entities,
36 showing the locations and capacities of the capital facilities; (b) a
37 forecast of the future needs for such capital facilities; (c) the
38 proposed locations and capacities of expanded or new capital
39 facilities; (d) at least a six-year plan that will finance such
40 capital facilities within projected funding capacities and clearly

1 identifies sources of public money for such purposes; and (e) a
2 requirement to reassess the land use element if probable funding
3 falls short of meeting existing needs and to ensure that the land use
4 element, capital facilities plan element, and financing plan within
5 the capital facilities plan element are coordinated and consistent.
6 Park and recreation facilities shall be included in the capital
7 facilities plan element.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed
10 utilities, including, but not limited to, electrical lines,
11 telecommunication lines, and natural gas lines.

12 (5) Rural element. Counties shall include a rural element
13 including lands that are not designated for urban growth,
14 agriculture, forest, or mineral resources. The following provisions
15 shall apply to the rural element:

16 (a) Growth management act goals and local circumstances. Because
17 circumstances vary from county to county, in establishing patterns of
18 rural densities and uses, a county (~~may~~) must consider local
19 circumstances, (~~but shall~~) and must develop a written record
20 explaining how the rural element harmonizes the planning goals in RCW
21 36.70A.020 and meets the requirements of this chapter.

22 (b) Rural development. The rural element shall permit rural
23 development, forestry, and agriculture in rural areas. The rural
24 element shall provide for a variety of rural densities, uses,
25 essential public facilities, and rural governmental services needed
26 to serve the permitted densities and uses. To achieve a variety of
27 rural densities and uses, counties may provide for clustering,
28 density transfer, design guidelines, conservation easements, and
29 other innovative techniques that will accommodate appropriate rural
30 economic advancement, densities, and uses that are not characterized
31 by urban growth and that are consistent with rural character.

32 (c) Measures governing rural development. The rural element shall
33 include measures that apply to rural development and protect the
34 rural character of the area, as established by the county, by:

35 (i) (~~Containing or otherwise controlling~~) Controlling rural
36 development;

37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

39 (iii) Reducing the inappropriate conversion of undeveloped land
40 into sprawling, low-density development in the rural area;

1 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
2 and surface water and groundwater resources; and

3 (v) Protecting against conflicts with the use of agricultural,
4 forest, and mineral resource lands designated under RCW 36.70A.170.

5 (d) Limited areas of more intensive rural development. Subject to
6 the requirements of this subsection and except as otherwise
7 specifically provided in this subsection (5)(d), the rural element
8 may allow for limited areas of more intensive rural development,
9 including necessary public facilities and public services to serve
10 the limited area as follows:

11 (i) Rural development consisting of the infill, development, or
12 redevelopment of existing commercial, industrial, residential, or
13 mixed-use areas, whether characterized as shoreline development,
14 villages, hamlets, rural activity centers, or crossroads
15 developments.

16 (A) A commercial, industrial, residential, shoreline, or mixed-
17 use area are subject to the requirements of (d)(iv) of this
18 subsection, but are not subject to the requirements of (c)(ii) and
19 (iii) of this subsection.

20 (B) Any development or redevelopment other than an industrial
21 area or an industrial use within a mixed-use area or an industrial
22 area under this subsection (5)(d)(i) must be principally designed to
23 serve the existing and projected rural population.

24 (C) (~~(Any development or redevelopment in terms of building size,~~
25 ~~scale, use, or intensity shall be consistent with the character of~~
26 ~~the existing areas.)) Development and redevelopment may include
27 changes in use from vacant land or a previously existing use so long
28 as the new use conforms to the requirements of this subsection (5)
29 and is consistent with the local character;~~

30 (ii) The intensification of development on lots containing, or
31 new development of, small-scale recreational or tourist uses,
32 including commercial facilities to serve those recreational or
33 tourist uses, that rely on a rural location and setting, but that do
34 not include new residential development. A small-scale recreation or
35 tourist use is not required to be principally designed to serve the
36 existing and projected rural population. Public services and public
37 facilities shall be limited to those necessary to serve the
38 recreation or tourist use and shall be provided in a manner that does
39 not permit low-density sprawl;

1 (iii) The intensification of development on lots containing
2 isolated nonresidential uses or new development of isolated cottage
3 industries and isolated small-scale businesses that are not
4 principally designed to serve the existing and projected rural
5 population and nonresidential uses, but do provide job opportunities
6 for rural residents. Rural counties may allow the expansion of small-
7 scale businesses as long as those small-scale businesses conform with
8 the rural character of the area as defined by the local government
9 according to RCW 36.70A.030(~~((+16+))~~) (20). Rural counties may also
10 allow new small-scale businesses to utilize a site previously
11 occupied by an existing business as long as the new small-scale
12 business conforms to the rural character of the area as defined by
13 the local government according to RCW 36.70A.030(~~((+16+))~~) (20). Public
14 services and public facilities shall be limited to those necessary to
15 serve the isolated nonresidential use and shall be provided in a
16 manner that does not permit low-density sprawl;

17 (iv) A county shall adopt measures to minimize and contain the
18 existing areas (~~((or—uses))~~) of more intensive rural development, as
19 appropriate, authorized under this subsection. Lands included in such
20 existing areas (~~((or—uses))~~) shall not extend beyond the logical outer
21 boundary of the existing area (~~((or—use))~~), thereby allowing a new
22 pattern of low-density sprawl. Existing areas are those that are
23 clearly identifiable and contained and where there is a logical
24 boundary delineated predominately by the built environment, but that
25 may also include undeveloped lands if limited as provided in this
26 subsection. The county shall establish the logical outer boundary of
27 an area of more intensive rural development. In establishing the
28 logical outer boundary, the county shall address (A) the need to
29 preserve the character of existing natural neighborhoods and
30 communities, (B) physical boundaries, such as bodies of water,
31 streets and highways, and land forms and contours, (C) the prevention
32 of abnormally irregular boundaries, and (D) the ability to provide
33 public facilities and public services in a manner that includes
34 utility service areas and facilities and considers needed upgrades
35 and replacement of related infrastructure including the economies of
36 scale for such service-related infrastructure and affordability for
37 ratepayers, and does not permit low-density sprawl;

38 (v) For purposes of (d) of this subsection, an existing area or
39 existing use is one that was in existence:

1 (A) On July 1, (~~1990~~) 1997, in a county that was initially
2 required to plan under all of the provisions of this chapter;

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the
5 provisions of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county
8 that is planning under all of the provisions of this chapter pursuant
9 to RCW 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit
11 in the rural area a major industrial development or a master planned
12 resort unless otherwise specifically permitted under RCW 36.70A.360
13 and 36.70A.365.

14 (6) A transportation element that implements, and is consistent
15 with, the land use element.

16 (a) The transportation element shall include the following
17 subelements:

18 (i) Land use assumptions used in estimating travel;

19 (ii) Estimated traffic impacts to state-owned transportation
20 facilities resulting from land use assumptions to assist the
21 department of transportation in monitoring the performance of state
22 facilities, to plan improvements for the facilities, and to assess
23 the impact of land-use decisions on state-owned transportation
24 facilities;

25 (iii) Facilities and services needs, including:

26 (A) An inventory of air, water, and ground transportation
27 facilities and services, including transit alignments and general
28 aviation airport facilities, to define existing capital facilities
29 and travel levels as a basis for future planning. This inventory must
30 include state-owned transportation facilities within the city or
31 county's jurisdictional boundaries;

32 (B) Level of service standards for all locally owned arterials
33 and transit routes to serve as a gauge to judge performance of the
34 system. These standards should be regionally coordinated;

35 (C) For state-owned transportation facilities, level of service
36 standards for highways, as prescribed in chapters 47.06 and 47.80
37 RCW, to gauge the performance of the system. The purposes of
38 reflecting level of service standards for state highways in the local
39 comprehensive plan are to monitor the performance of the system, to
40 evaluate improvement strategies, and to facilitate coordination

1 between the county's or city's six-year street, road, or transit
2 program and the office of financial management's ten-year investment
3 program. The concurrency requirements of (b) of this subsection do
4 not apply to transportation facilities and services of statewide
5 significance except for counties consisting of islands whose only
6 connection to the mainland are state highways or ferry routes. In
7 these island counties, state highways and ferry route capacity must
8 be a factor in meeting the concurrency requirements in (b) of this
9 subsection;

10 (D) Specific actions and requirements for bringing into
11 compliance locally owned transportation facilities or services that
12 are below an established level of service standard;

13 (E) Forecasts of traffic for at least ten years based on the
14 adopted land use plan to provide information on the location, timing,
15 and capacity needs of future growth;

16 (F) Identification of state and local system needs to meet
17 current and future demands. Identified needs on state-owned
18 transportation facilities must be consistent with the statewide
19 multimodal transportation plan required under chapter 47.06 RCW;

20 (iv) Finance, including:

21 (A) An analysis of funding capability to judge needs against
22 probable funding resources;

23 (B) A multiyear financing plan based on the needs identified in
24 the comprehensive plan, the appropriate parts of which shall serve as
25 the basis for the six-year street, road, or transit program required
26 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
27 35.58.2795 for public transportation systems. The multiyear financing
28 plan should be coordinated with the ten-year investment program
29 developed by the office of financial management as required by RCW
30 47.05.030;

31 (C) If probable funding falls short of meeting identified needs,
32 a discussion of how additional funding will be raised, or how land
33 use assumptions will be reassessed to ensure that level of service
34 standards will be met;

35 (v) Intergovernmental coordination efforts, including an
36 assessment of the impacts of the transportation plan and land use
37 assumptions on the transportation systems of adjacent jurisdictions;

38 (vi) Demand-management strategies;

39 (vii) Pedestrian and bicycle component to include collaborative
40 efforts to identify and designate planned improvements for pedestrian

1 and bicycle facilities and corridors that address and encourage
2 enhanced community access and promote healthy lifestyles.

3 (b) After adoption of the comprehensive plan by jurisdictions
4 required to plan or who choose to plan under RCW 36.70A.040, local
5 jurisdictions must adopt and enforce ordinances which prohibit
6 development approval if the development causes the level of service
7 on a locally owned transportation facility to decline below the
8 standards adopted in the transportation element of the comprehensive
9 plan, unless transportation improvements or strategies to accommodate
10 the impacts of development are made concurrent with the development.
11 These strategies may include increased public transportation service,
12 ride-sharing programs, demand management, and other transportation
13 systems management strategies. For the purposes of this subsection
14 (6), "concurrent with the development" means that improvements or
15 strategies are in place at the time of development, or that a
16 financial commitment is in place to complete the improvements or
17 strategies within six years. If the collection of impact fees is
18 delayed under RCW 82.02.050(3), the six-year period required by this
19 subsection (6)(b) must begin after full payment of all impact fees is
20 due to the county or city.

21 (c) The transportation element described in this subsection (6),
22 the six-year plans required by RCW 35.77.010 for cities, RCW
23 36.81.121 for counties, and RCW 35.58.2795 for public transportation
24 systems, and the ten-year investment program required by RCW
25 47.05.030 for the state, must be consistent.

26 (7) An economic development element establishing local goals,
27 policies, objectives, and provisions for economic growth and vitality
28 and a high quality of life. A city that has chosen to be a
29 residential community is exempt from the economic development element
30 requirement of this subsection.

31 (8) A park and recreation element that implements, and is
32 consistent with, the capital facilities plan element as it relates to
33 park and recreation facilities. The element shall include: (a)
34 Estimates of park and recreation demand for at least a ten-year
35 period; (b) an evaluation of facilities and service needs; and (c) an
36 evaluation of intergovernmental coordination opportunities to provide
37 regional approaches for meeting park and recreational demand.

38 (9) It is the intent that new or amended elements required after
39 January 1, 2002, be adopted concurrent with the scheduled update
40 provided in RCW 36.70A.130. Requirements to incorporate any such new

1 or amended elements shall be null and void until funds sufficient to
2 cover applicable local government costs are appropriated and
3 distributed by the state at least two years before local government
4 must update comprehensive plans as required in RCW 36.70A.130.

5 (10) A county that is required or chooses to plan under RCW
6 36.70A.040 with a population of 70,000 or less and with a growth rate
7 of less than 20 percent over the previous 10 years; or a population
8 of 50,000 or less; or the comprehensive plan for the unincorporated
9 lands of a county that is considered rural according to the
10 definition in RCW 82.14.370, but not including the cities within such
11 county, is not subject to subsections (2)(a), (c), and (d), (3)(c)
12 and (d), (5)(a) and (c)(i) and (ii), (6)(a)(iii)(E), and (8) of this
13 section.

14 **Sec. 7.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026
15 are each reenacted and amended to read as follows:

16 (1)(a) Each comprehensive land use plan and development
17 regulations shall be subject to continuing review and evaluation by
18 the county or city that adopted them. Except as otherwise provided, a
19 county or city shall take legislative action to review and, if
20 needed, revise its comprehensive land use plan and development
21 regulations to ensure the plan and regulations comply with the
22 requirements of this chapter according to the deadlines in
23 subsections (4) and (5) of this section.

24 (b) Except as otherwise provided, a county or city not planning
25 under RCW 36.70A.040 shall take action to review and, if needed,
26 revise its policies and development regulations regarding critical
27 areas and natural resource lands adopted according to this chapter to
28 ensure these policies and regulations comply with the requirements of
29 this chapter according to the deadlines in subsections (4) and (5) of
30 this section. Legislative action means the adoption of a resolution
31 or ordinance following notice and a public hearing indicating at a
32 minimum, a finding that a review and evaluation has occurred and
33 identifying the revisions made, or that a revision was not needed and
34 the reasons therefor.

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

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

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

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

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

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

28 (iv) The amendment of the capital facilities element of a
29 comprehensive plan that occurs concurrently with the adoption or
30 amendment of a county or city budget; or

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

37 (b) Except as otherwise provided in (a) of this subsection, all
38 proposals shall be considered by the governing body concurrently so
39 the cumulative effect of the various proposals can be ascertained.
40 However, after appropriate public participation a county or city may

1 adopt amendments or revisions to its comprehensive plan that conform
2 with this chapter whenever an emergency exists or to resolve an
3 appeal of a comprehensive plan filed with the growth management
4 hearings board or with the court.

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

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

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

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

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

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

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

39 (5) Except as otherwise provided in subsections (6) and (8) of
40 this section, following the review of comprehensive plans and

1 development regulations required by subsection (4) of this section,
2 counties and cities shall take action to review and, if needed,
3 revise their comprehensive plans and development regulations to
4 ensure the plan and regulations comply with the requirements of this
5 chapter as follows:

6 (a) On or before June 30, 2024, and every (~~eight~~) 10 years
7 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
8 cities within those counties;

9 (b) On or before June 30, 2025, and every (~~eight~~) 10 years
10 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
11 Juan, Skagit, Thurston, and Whatcom counties and the cities within
12 those counties;

13 (c) On or before June 30, 2026, and every (~~eight~~) 10 years
14 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
15 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
16 within those counties; and

17 (d) On or before June 30, 2027, and every (~~eight~~) 10 years
18 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
19 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
20 Stevens, Wahkiakum, and Whitman counties and the cities within those
21 counties.

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

28 (b) A county that is subject to a deadline established in
29 subsection (5)(a)(ii) through (iv) [(b) through (d)] of this section
30 and meets the following criteria may comply with the requirements of
31 this section at any time within the twenty-four months following the
32 deadline established in subsection (5) of this section: The county
33 has a population of less than fifty thousand and has had its
34 population increase by no more than seventeen percent in the ten
35 years preceding the deadline established in subsection (5) of this
36 section as of that date.

37 (c) A city that is subject to a deadline established in
38 subsection (5)(a)(ii) through (iv) [(b) through (d)] of this section
39 and meets the following criteria may comply with the requirements of
40 this section at any time within the twenty-four months following the

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

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

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

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

16 (ii) Demonstrating substantial progress towards compliance with
17 the schedules in this section for development regulations that
18 protect critical areas.

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

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

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

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

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

1 (iii) The adoption or amendment of the development regulations is
2 necessary to enable the county to respond to an order of the growth
3 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
7 funding.

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

17 (9) At the midpoint of the 10-year plan update cycles identified
18 in subsection (5)(a) and (b) of this section, metropolitan counties,
19 and their cities, shall report to the department the progress they
20 have achieved in implementing state goals regarding RCW 36.70A.020
21 and permit timelines in chapter 36.70B RCW. Such reports are not
22 subject to appeals under this chapter or chapter 43.21C RCW. The
23 department will review the report under the process and authority of
24 RCW 36.70A.385 and issue its determination within 90 days. The
25 department will adopt by administrative rule indicators, milestones,
26 and criteria to determine compliance with this chapter.

27 **Sec. 8.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
28 read as follows:

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

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

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

4 (c) That the approval of a work plan adopted under RCW
5 36.70A.735(1)(a) is not in compliance with the requirements of the
6 program established under RCW 36.70A.710;

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

10 (e) That a department certification under RCW 36.70A.735(1)(c) is
11 erroneous;

12 (f) That a department determination under RCW 36.70A.060(1)(d) is
13 erroneous; or

14 (g) That a department approval under section 4 of this act is
15 clearly erroneous. Actions submitted to the department for approval
16 may only be appealed to the growth management hearings board within
17 60 days following publication by the department of a determination of
18 compliance.

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

25 (3) For purposes of this section "person" means any individual,
26 partnership, corporation, association, state agency, governmental
27 subdivision or unit thereof, or public or private organization or
28 entity of any character.

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

33 (5) When considering a possible adjustment to a growth management
34 planning population projection prepared by the office of financial
35 management, the board shall consider the implications of any such
36 adjustment to the population forecast for the entire state.

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

1 If adjusted by the board, a county growth management planning
2 population projection shall only be used for the planning purposes
3 set forth in this chapter and shall be known as the "board adjusted
4 population projection." None of these changes shall affect the
5 official state and county population forecasts prepared by the office
6 of financial management, which shall continue to be used for state
7 budget and planning purposes.

8 **Sec. 9.** RCW 36.70A.330 and 1997 c 429 s 21 are each amended to
9 read as follows:

10 (1) After the time set for complying with the requirements of
11 this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier
12 time upon the motion of a county or city subject to a determination
13 of invalidity under RCW 36.70A.300, the board shall set a hearing for
14 the purpose of determining whether the state agency, county, or city
15 is in compliance with the requirements of this chapter.

16 (2) The board shall conduct a hearing and issue a finding of
17 compliance or noncompliance with the requirements of this chapter and
18 with any compliance schedule established by the board in its final
19 order. A person with standing to challenge the legislation enacted in
20 response to the board's final order may participate in the hearing
21 along with the petitioner and the state agency, county, or city. A
22 hearing under this subsection shall be given the highest priority of
23 business to be conducted by the board, and a finding shall be issued
24 within forty-five days of the filing of the motion under subsection
25 (1) of this section with the board. The board shall issue any order
26 necessary to make adjustments to the compliance schedule and set
27 additional hearings as provided in subsection (5) of this section.

28 (3) If the board after a compliance hearing finds that the state
29 agency, county, or city is not in compliance, the board shall
30 transmit its finding to the governor. ((The))

31 (a) The board may refer a finding of noncompliance to the
32 department. The purpose of the referral is for the department to
33 provide technical assistance to facilitate speedy resolution of the
34 finding of noncompliance.

35 (b) Alternatively, the board may recommend to the governor that
36 the sanctions authorized by this chapter be imposed. The board shall
37 take into consideration the county's or city's efforts to meet its
38 compliance schedule in making the decision to recommend sanctions to
39 the governor.

1 (4) In a compliance hearing upon petition of a party, the board
2 shall also reconsider its final order and decide, if no determination
3 of invalidity has been made, whether one now should be made under RCW
4 36.70A.302.

5 (5) The board shall schedule additional hearings as appropriate
6 pursuant to subsections (1) and (2) of this section.

7 **Sec. 10.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to
8 read as follows:

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

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

18 (i) On or before December 1, 2005, for the city of Port Townsend,
19 the city of Bellingham, the city of Everett, Snohomish county, and
20 Whatcom county;

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

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

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

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

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

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

1 (3) (a) Following approval by the department of a new or amended
2 master program, local governments required to develop or amend master
3 programs on or before December 1, 2009, as provided by subsection
4 (2) (a) (i) and (ii) of this section, shall be deemed to have complied
5 with the schedule established by subsection (2) (a) (iii) of this
6 section and shall not be required to complete master program
7 amendments until the applicable dates established by subsection
8 (4) (b) of this section. Any jurisdiction listed in subsection
9 (2) (a) (i) of this section that has a new or amended master program
10 approved by the department on or after March 1, 2002, but before July
11 27, 2003, shall not be required to complete master program amendments
12 until the applicable date provided by subsection (4) (b) of this
13 section.

14 (b) Following approval by the department of a new or amended
15 master program, local governments choosing to develop or amend master
16 programs on or before December 1, 2009, shall be deemed to have
17 complied with the schedule established by subsection (2) (a) (iii)
18 through (vi) of this section and shall not be required to complete
19 master program amendments until the applicable dates established by
20 subsection (4) (b) of this section.

21 (4) (a) Following the updates required by subsection (2) of this
22 section, local governments shall conduct a review of their master
23 programs at least once every eight years as required by (b) of this
24 subsection. Following the review required by this subsection (4),
25 local governments shall, if necessary, revise their master programs.
26 The purpose of the review is:

27 (i) To assure that the master program complies with applicable
28 law and guidelines in effect at the time of the review; and

29 (ii) To assure consistency of the master program with the local
30 government's comprehensive plan and development regulations adopted
31 under chapter 36.70A RCW, if applicable, and other local
32 requirements.

33 (b) Counties and cities shall take action to review and, if
34 necessary, revise their master programs as required by (a) of this
35 subsection as follows:

36 (i) On or before June 30, 2019, and every (~~eight~~) 10 years
37 thereafter, for King, Pierce, and Snohomish counties and the cities
38 within those counties;

39 (ii) On or before June 30, 2020, and every (~~eight~~) 10 years
40 thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San

1 Juan, Skagit, Thurston, and Whatcom counties and the cities within
2 those counties;

3 (iii) On or before June 30, 2021, and every (~~eight~~) 10 years
4 thereafter, for Benton, Chelan, Cowlitz, Douglas, (~~Grant,~~)
5 Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the
6 cities within those counties; and

7 (iv) On or before June 30, 2022, and every (~~eight~~) 10 years
8 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
9 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
10 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
11 the cities within those counties.

12 (5) In meeting the update requirements of subsection (2) of this
13 section, local governments are encouraged to begin the process of
14 developing or amending their master programs early and are eligible
15 for grants from the department as provided by RCW 90.58.250, subject
16 to available funding. Except for those local governments listed in
17 subsection (2)(a)(i) and (ii) of this section, the deadline for
18 completion of the new or amended master programs shall be two years
19 after the date the grant is approved by the department. Subsequent
20 master program review dates shall not be altered by the provisions of
21 this subsection.

22 (6) In meeting the update requirements of subsection (2) of this
23 section, the following shall apply:

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

37 (b) Local governments with delayed compliance dates as provided
38 in (a) of this subsection shall be the first priority for funding in
39 subsequent biennia, and the development or amendment compliance

1 deadline for those local governments shall be two years after the
2 date of grant approval.

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

7 (7) In meeting the update requirements of subsection (2) of this
8 section, all local governments subject to the requirements of this
9 chapter that have not developed or amended master programs on or
10 after March 1, 2002, shall, no later than December 1, 2014, develop
11 or amend their master programs to comply with guidelines adopted by
12 the department after January 1, 2003.

13 (8) In meeting the update requirements of subsection (2) of this
14 section, local governments may be provided an additional year beyond
15 the deadlines in this section to complete their master program or
16 amendment. The department shall grant the request if it determines
17 that the local government is likely to adopt or amend its master
18 program within the additional year.

19 **Sec. 11.** RCW 90.58.080 and 2020 c 113 s 2 are each amended to
20 read as follows:

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

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

30 (i) On or before December 1, 2005, for the city of Port Townsend,
31 the city of Bellingham, the city of Everett, Snohomish county, and
32 Whatcom county;

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

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

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

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

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

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

14 (3)(a) Following approval by the department of a new or amended
15 master program, local governments required to develop or amend master
16 programs on or before December 1, 2009, as provided by subsection
17 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
18 with the schedule established by subsection (2)(a)(iii) of this
19 section and shall not be required to complete master program
20 amendments until the applicable dates established by subsection
21 (4)(b) of this section. Any jurisdiction listed in subsection
22 (2)(a)(i) of this section that has a new or amended master program
23 approved by the department on or after March 1, 2002, but before July
24 27, 2003, shall not be required to complete master program amendments
25 until the applicable date provided by subsection (4)(b) of this
26 section.

27 (b) Following approval by the department of a new or amended
28 master program, local governments choosing to develop or amend master
29 programs on or before December 1, 2009, shall be deemed to have
30 complied with the schedule established by subsection (2)(a)(iii)
31 through (vi) of this section and shall not be required to complete
32 master program amendments until the applicable dates established by
33 subsection (4)(b) of this section.

34 (4)(a) Following the updates required by subsection (2) of this
35 section, local governments shall conduct a review of their master
36 programs at least once every eight years as required by (b) of this
37 subsection. Following the review required by this subsection (4),
38 local governments shall, if necessary, revise their master programs.
39 The purpose of the review is:

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

3 (ii) 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
6 requirements.

7 (b) Counties and cities shall take action to review and, if
8 necessary, revise their master programs as required by (a) of this
9 subsection as follows:

10 (i) On or before June 30, 2028, and every (~~eight~~) 10 years
11 thereafter, for King, Kitsap, Pierce, and Snohomish counties and the
12 cities within those counties;

13 (ii) On or before June 30, 2029, and every (~~eight~~) 10 years
14 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
15 Juan, Skagit, Thurston, and Whatcom counties and the cities within
16 those counties;

17 (iii) On or before June 30, 2030, and every (~~eight~~) 10 years
18 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
19 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
20 within those counties; and

21 (iv) On or before June 30, 2031, and every (~~eight~~) 10 years
22 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
23 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
24 Stevens, Wahkiakum, and Whitman counties and the cities within those
25 counties.

26 (5) In meeting the review requirements of subsection (4) of this
27 section, local governments are encouraged to begin the process of
28 developing or amending their master programs early and are eligible
29 for grants from the department as provided by RCW 90.58.250, subject
30 to available funding. Except for those local governments listed in
31 subsection (2)(a)(i) and (ii) of this section, the deadline for
32 completion of the new or amended master programs shall be two years
33 after the date the grant is approved by the department. Subsequent
34 master program review dates shall not be altered by the provisions of
35 this subsection.

36 (6) In meeting the review requirements of subsection (4) of this
37 section, the following shall apply:

38 (a) Grants to local governments for reviewing master programs
39 pursuant to the schedule established by this section shall be
40 provided at least two years before the adoption dates specified in

1 subsection (4) of this section. To the extent possible, the
2 department shall allocate grants within the amount appropriated for
3 such purposes to provide reasonable and adequate funding to local
4 governments that have indicated their intent to develop or amend
5 master programs during the biennium according to the schedule
6 established by subsection (4) of this section. Any local government
7 that applies for but does not receive funding to comply with the
8 provisions of subsection (4) of this section may delay the
9 development or amendment of its master program until the following
10 biennium.

11 (b) Local governments with delayed compliance dates as provided
12 in (a) of this subsection shall be the first priority for funding in
13 subsequent biennia, and the periodic review compliance deadline for
14 those local governments shall be two years after the date of grant
15 approval.

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

20 (7) In meeting the update requirements of subsection (2) of this
21 section, all local governments subject to the requirements of this
22 chapter that have not developed or amended master programs on or
23 after March 1, 2002, shall, no later than December 1, 2014, develop
24 or amend their master programs to comply with guidelines adopted by
25 the department after January 1, 2003.

26 (8) In meeting the review requirements of subsection (4) of this
27 section, local governments may be provided an additional year beyond
28 the deadlines in this section to complete their master program or
29 amendment. The department shall grant the request if it determines
30 that the local government is likely to adopt or amend its master
31 program within the additional year.

32 NEW SECTION. **Sec. 12.** Section 10 of this act expires July 1,
33 2025.

34 NEW SECTION. **Sec. 13.** Section 11 of this act takes effect July
35 1, 2025.

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