
SUBSTITUTE HOUSE BILL 2427

State of Washington

66th Legislature

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

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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