
ENGROSSED SENATE BILL 6446

State of Washington

56th Legislature

2000 Regular Session

By Senators Patterson and Oke; by request of Department of Community, Trade, and Economic Development

Read first time 01/17/2000. Referred to Committee on State & Local Government.

1 AN ACT Relating to comprehensive plan review and amendment and
2 affected timelines; and amending RCW 36.70A.130, 90.58.080, 36.61.020,
3 and 36.61.260.

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

5 **Sec. 1.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to
6 read as follows:

7 (1) Each comprehensive land use plan and development regulations
8 shall be subject to continuing review and evaluation by the county or
9 city that adopted them. Not later than September 1, 2002, and at least
10 every five years thereafter, a county or city shall take action to
11 review (~~(and, if needed, revise)~~) its comprehensive land use plan and
12 development regulations to ensure that the plan and regulations are
13 complying with the requirements of this chapter. If needed, a county
14 or city shall revise its comprehensive plan and development regulations
15 to ensure compliance with this chapter by September 1, 2003, and at
16 least every five years thereafter. However, by September 1, 2002, each
17 county and city shall both review and, if needed, revise its policies
18 and regulations to comply with RCW 36.70A.172(1). The review and
19 evaluation required by this subsection and subsection (2) of this

1 section may be combined with the review required by subsection (~~(3)~~)
2 (4) of this section.

3 Any amendment or revision to a comprehensive land use plan shall
4 conform to this chapter, and any change to development regulations
5 shall be consistent with and implement the comprehensive plan.

6 (2) The term "take action to review" includes the submittal of an
7 evaluation by each county and city that is required to plan under RCW
8 36.70A.040 to the department indicating its review and evaluation
9 process and a schedule for considering amendments as required to ensure
10 compliance with this chapter. This evaluation may be combined with the
11 requirements of RCW 36.70A.180(2).

12 (3)(a) Each county and city shall establish and broadly disseminate
13 to the public a public participation program identifying procedures
14 whereby proposed amendments or revisions of the comprehensive plan are
15 considered by the governing body of the county or city no more
16 frequently than once every year except that amendments may be
17 considered more frequently under the following circumstances:

18 (i) The initial adoption of a subarea plan;

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

21 (iii) The amendment of the capital facilities element of a
22 comprehensive plan that occurs concurrently with the adoption or
23 amendment of a county or city budget.

24 (b) Except as otherwise provided in (a) of this subsection, all
25 proposals shall be considered by the governing body concurrently so the
26 cumulative effect of the various proposals can be ascertained.
27 However, after appropriate public participation a county or city may
28 adopt amendments or revisions to its comprehensive plan that conform
29 with this chapter whenever an emergency exists or to resolve an appeal
30 of a comprehensive plan filed with a growth management hearings board
31 or with the court.

32 (~~(3)~~) (4) Each county that designates urban growth areas under
33 RCW 36.70A.110 shall review, at least every ten years, its designated
34 urban growth area or areas, and the densities permitted within both the
35 incorporated and unincorporated portions of each urban growth area. In
36 conjunction with this review by the county, each city located within an
37 urban growth area shall review the densities permitted within its
38 boundaries, and the extent to which the urban growth occurring within
39 the county has located within each city and the unincorporated portions

1 of the urban growth areas. The county comprehensive plan designating
2 urban growth areas, and the densities permitted in the urban growth
3 areas by the comprehensive plans of the county and each city located
4 within the urban growth areas, shall be revised to accommodate the
5 urban growth projected to occur in the county for the succeeding
6 twenty-year period. The review required by this subsection may be
7 combined with the review and evaluation required by RCW 36.70A.215.

8 **Sec. 2.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to
9 read as follows:

10 (1) To assist local governments in aligning the related work of
11 reviewing and revising comprehensive plans and development regulations
12 under section 1 of this act, the department upon the request of a local
13 government may grant an extension of up to an additional twelve months
14 to the deadlines provided in this section for developing and amending
15 the shoreline master program element of comprehensive plans.

16 (2) Local governments shall develop or amend(~~(, within twenty-four~~
17 months after the adoption of guidelines as provided in RCW 90.58.060,)
18 a master program for regulation of uses of the shorelines of the state
19 consistent with the required elements of the guidelines adopted by the
20 department. Except as provided in subsection (3) of this section as to
21 state guidelines adopted before December 31, 2000, master programs
22 shall be reviewed for compliance with the guidelines and adopted or
23 amended as necessary within twenty-four months after the adoption of
24 guidelines as provided in RCW 90.58.060.

25 (3) Consistent with the priority salmon recovery regions identified
26 in the state-wide strategy to recover salmon and population growth data
27 provided by the office of financial management, the following master
28 program development or amendment schedule applies for guidelines
29 adopted by the department before December 31, 2000:

30 (a) For King, Snohomish, Pierce, Clark, and Kitsap counties and the
31 cities and towns therein with shorelines of the state, master programs
32 shall be reviewed for compliance with the guidelines and adopted or
33 amended as necessary within thirty-six months after the adoption of
34 guidelines as provided in RCW 90.58.060;

35 (b) For Thurston, Whatcom, Benton, Yakima, Skagit, Cowlitz,
36 Clallam, Chelan, Mason, and Jefferson counties and the cities and towns
37 therein with shorelines of the state, master programs shall be reviewed
38 for compliance with the guidelines and adopted or amended as necessary

1 within forty-eight months after the adoption of guidelines as provided
2 in RCW 90.58.060;

3 (c) For all other counties, cities, and towns with shorelines of
4 the state, master programs shall be reviewed for compliance with the
5 guidelines and adopted or amended as necessary within sixty months
6 after the adoption of guidelines amendments as provided in RCW
7 90.58.060.

8 **Sec. 3.** RCW 36.61.020 and 1987 c 432 s 2 are each amended to read
9 as follows:

10 (1) To assist with development and implementation of elements of
11 comprehensive plans related to long-term lake management objectives in
12 coordination with revision of comprehensive plans, local governments
13 may create lake management districts for any needed period of time.

14 (2) Any county may create lake management districts to finance the
15 improvement and maintenance of lakes located within or partially within
16 the boundaries of the county. All or a portion of a lake and the
17 adjacent land areas may be included within one or more lake management
18 districts. More than one lake, or portions of lakes, and the adjacent
19 land areas may be included in a single lake management district. ((A
20 lake management district may be created for a period of up to ten
21 years.))

22 Special assessments or rates and charges may be imposed on the
23 property included within a lake management district to finance lake
24 improvement and maintenance activities, including: (1) The control or
25 removal of aquatic plants and vegetation; (2) water quality; (3) the
26 control of water levels; (4) storm water diversion and treatment; (5)
27 agricultural waste control; (6) studying lake water quality problems
28 and solutions; (7) cleaning and maintaining ditches and streams
29 entering or leaving the lake; and (8) the related administrative,
30 engineering, legal, and operational costs, including the costs of
31 creating the lake management district.

32 Special assessments or rates and charges may be imposed annually on
33 all the land in a lake management district for the duration of the lake
34 management district without a related issuance of lake management
35 district bonds or revenue bonds. Special assessments also may be
36 imposed in the manner of special assessments in a local improvement
37 district with each landowner being given the choice of paying the
38 entire special assessment in one payment, or to paying installments,

1 with lake management district bonds being issued to obtain moneys not
2 derived by the initial full payment of the special assessments, and the
3 installments covering all of the costs related to issuing, selling, and
4 redeeming the lake management district bonds.

5 **Sec. 4.** RCW 36.61.260 and 1985 c 398 s 26 are each amended to read
6 as follows:

7 (1) Counties may issue lake management district bonds in accordance
8 with this section. Lake management district bonds may be issued to
9 obtain money sufficient to cover that portion of the special
10 assessments that are not paid within the thirty-day period provided in
11 RCW 36.61.190. (~~The maximum term of lake management district bonds~~
12 ~~shall be ten years.~~)

13 Whenever lake management district bonds are proposed to be issued,
14 the county legislative authority shall create a special fund or funds
15 for the lake management district from which all or a portion of the
16 costs of the lake improvement and maintenance activities shall be paid.
17 Lake management district bonds shall not be issued in excess of the
18 costs and expenses of the lake improvement and maintenance activities
19 and shall not be issued prior to twenty days after the thirty days
20 allowed for the payment of special assessments without interest or
21 penalties.

22 Lake management district bonds shall be exclusively payable from
23 the special fund or funds and from a guaranty fund that the county may
24 have created out of a portion of proceeds from the sale of the lake
25 management district bonds.

26 (2) Lake management district bonds shall not constitute a general
27 indebtedness of the county issuing the bond nor an obligation, general
28 or special, of the state. The owner of any lake management district
29 bond shall not have any claim for the payment thereof against the
30 county that issues the bonds except for payment from the special
31 assessments made for the lake improvement or maintenance activities for
32 which the lake management district bond was issued and from a lake
33 management district guaranty fund that may have been created. The
34 county shall not be liable to the owner of any lake management district
35 bond for any loss to the lake management district guaranty fund
36 occurring in the lawful operation of the fund. The owner of a lake
37 management district bond shall not have any claim against the state
38 arising from the lake management district bond, special assessments, or

1 guaranty fund. Tax revenues shall not be used to secure or guarantee
2 the payment of the principal of or interest on lake management district
3 bonds.

4 The substance of the limitations included in this subsection shall
5 be plainly printed, written, engraved, or reproduced on: (a) Each lake
6 management district bond that is a physical instrument; (b) the
7 official notice of sale; and (c) each official statement associated
8 with the lake management district bonds.

9 (3) If the county fails to make any principal or interest payments
10 on any lake management district bond or to promptly collect any special
11 assessment securing the bonds when due, the owner of the lake
12 management district bond may obtain a writ of mandamus from any court
13 of competent jurisdiction requiring the county to collect the special
14 assessments, foreclose on the related lien, and make payments out of
15 the special fund or guaranty fund if one exists. Any number of owners
16 of lake management districts may join as plaintiffs.

17 (4) A county may create a lake management district bond guaranty
18 fund for each issue of lake management district bonds. The guaranty
19 fund shall only exist for the life of the lake management district
20 bonds with which it is associated. A portion of the bond proceeds may
21 be placed into a guaranty fund. Unused moneys remaining in the
22 guaranty fund during the last two years of the installments shall be
23 used to proportionally reduce the required level of installments and
24 shall be transferred into the special fund into which installment
25 payments are placed.

26 (5) Lake management district bonds shall be issued and sold in
27 accordance with chapter 39.46 RCW. The authority to create a special
28 fund or funds shall include the authority to create accounts within a
29 fund.

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