
SUBSTITUTE SENATE BILL 5680

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

READ FIRST TIME 02/19/03.

1 AN ACT Relating to development regulations review by counties with
2 low population densities; and amending RCW 36.70A.130.

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

4 **Sec. 1.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read
5 as follows:

6 (1)(a) Each comprehensive land use plan and development regulations
7 shall be subject to continuing review and evaluation by the county or
8 city that adopted them. A county or city shall take legislative action
9 to review and, if needed, revise its comprehensive land use plan and
10 development regulations to ensure the plan and regulations comply with
11 the requirements of this chapter according to the time periods
12 specified in subsection (4) of this section. A county or city not
13 planning under RCW 36.70A.040 shall take action to review and, if
14 needed, revise its policies and development regulations regarding
15 critical areas and natural resource lands adopted according to this
16 chapter to ensure these policies and regulations comply with the
17 requirements of this chapter according to the time periods specified in
18 subsection (4) of this section. Legislative action means the adoption
19 of a resolution or ordinance following notice and a public hearing

1 indicating at a minimum, a finding that a review and evaluation has
2 occurred and identifying the revisions made, or that a revision was not
3 needed and the reasons therefore. The review and evaluation required
4 by this subsection may be combined with the review required by
5 subsection (3) of this section. The review and evaluation required by
6 this subsection shall include, but is not limited to, consideration of
7 critical area ordinances and, if planning under RCW 36.70A.040, an
8 analysis of the population allocated to a city or county from the most
9 recent ten-year population forecast by the office of financial
10 management.

11 (b) Any amendment of or revision to a comprehensive land use plan
12 shall conform to this chapter. Any amendment of or revision to
13 development regulations shall be consistent with and implement the
14 comprehensive plan.

15 (c) A county that has a population density of fewer than fifty-five
16 persons per square mile, as determined by the office of financial
17 management, upon a declaration as specified in subsection (4)(d) of
18 this section is not subject to the requirements of this section to
19 review and revise its comprehensive plans and development regulations
20 and, upon a declaration as specified in subsection (4)(d) of this
21 section is not subject to the requirements of this section to review
22 and revise its critical area and natural resource land ordinances. Any
23 city located within a county where the county has a population density
24 of fewer than fifty-five persons per square mile, upon a declaration as
25 specified in subsection (4)(d) of this section is not subject to the
26 requirements of this section in the same manner as provided for
27 counties under this subsection (1)(c). However, any county or city
28 making such a declaration under this subsection that has a county
29 population density that grows to be equal to or more than fifty-five
30 persons per square mile must comply with all of the requirements of
31 this section and the time period specified in subsection (1)(c)(i) and
32 (ii).

33 (i) Two years from the date a county obtains a population density
34 of fifty-five or more persons per square mile, a county and the cities
35 therein must review and revise its comprehensive plans and development
36 regulations.

37 (ii) A county and the cities therein must review and revise their
38 policies and development regulations regarding critical areas and

1 natural resource lands adopted under this chapter within two years of
2 the county obtaining a population density of fifty-five or more persons
3 per square mile or fifteen years from the date of the most recent
4 adoption of a county's or city's critical area ordinance and natural
5 resource lands ordinance, whichever is earlier.

6 (d) The date a county obtains a population density of fifty-five or
7 more persons per square mile, for the purposes of (c) of this
8 subsection, is the date that county population projections are
9 published by the office of financial management annually.

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

20 (i) The initial adoption of a subarea plan that does not modify the
21 comprehensive plan policies and designations applicable to the subarea;

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

24 (iii) The amendment of the capital facilities element of a
25 comprehensive plan that occurs concurrently with the adoption or
26 amendment of a county or city budget.

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

35 (3) Each county that designates urban growth areas under RCW
36 36.70A.110 shall review, at least every ten years, its designated urban
37 growth area or areas, and the densities permitted within both the
38 incorporated and unincorporated portions of each urban growth area. In

1 conjunction with this review by the county, each city located within an
2 urban growth area shall review the densities permitted within its
3 boundaries, and the extent to which the urban growth occurring within
4 the county has located within each city and the unincorporated portions
5 of the urban growth areas. The county comprehensive plan designating
6 urban growth areas, and the densities permitted in the urban growth
7 areas by the comprehensive plans of the county and each city located
8 within the urban growth areas, shall be revised to accommodate the
9 urban growth projected to occur in the county for the succeeding
10 twenty-year period. The review required by this subsection may be
11 combined with the review and evaluation required by RCW 36.70A.215.

12 (4) The department shall establish a schedule for counties and
13 cities to take action to review and, if needed, revise their
14 comprehensive plans and development regulations to ensure the plan and
15 regulations comply with the requirements of this chapter. The schedule
16 established by the department shall provide for the reviews and
17 evaluations to be completed as follows:

18 (a) On or before December 1, 2004, and every seven years
19 thereafter, for ~~((Clallam,))~~ Clark, ~~((Jefferson,))~~ King, Kitsap,
20 Pierce, Snohomish, and Thurston~~((, and Whatcom))~~ counties and the
21 cities within those counties;

22 (b) On or before December 1, 2005, and every seven years
23 thereafter, for ~~((Cowlitz,))~~ Island~~((, Lewis, Mason, San Juan, Skagit,~~
24 ~~and Skamania counties))~~ county and the cities within ~~((those counties))~~
25 that county;

26 (c) On or before December 1, 2006, and every seven years
27 thereafter, for ~~((Benton, Chelan, Douglas, Grant, Kittitas,))~~
28 Spokane~~((, and Yakima counties))~~ county and the cities within ~~((those~~
29 ~~counties))~~ that county; and

30 (d) For a county and the cities located within that county that
31 make a declaration not to be subject to the requirements of this
32 section, the time requirements of subsection (1)(c)(i) and (ii) of this
33 section apply. All counties and the cities therein that make a
34 declaration not to be subject to the requirements of this section must
35 provide written notice of that decision to the department of community,
36 trade, and economic development by no later than November 1, 2007. All
37 counties and the cities therein that do not provide such notice must
38 meet all the requirements of this section on or before December 1,

1 2007, and every seven years thereafter(~~(, for Adams, Asotin, Columbia,~~
2 ~~Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,~~
3 ~~Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman~~
4 ~~counties and the cities within those counties)).~~

5 (5)(a) Nothing in this section precludes a county or city from
6 conducting the review and evaluation required by this section before
7 the time limits established in subsection (4) of this section.
8 Counties and cities may begin this process early and may be eligible
9 for grants from the department, subject to available funding, if they
10 elect to do so.

11 (b) State agencies are encouraged to provide technical assistance
12 to the counties and cities in the review of critical area ordinances,
13 comprehensive plans, and development regulations.

14 (6) A county or city subject to the time periods in subsection
15 (4)(a) of this section that, pursuant to an ordinance adopted by the
16 county or city establishing a schedule for periodic review of its
17 comprehensive plan and development regulations, has conducted a review
18 and evaluation of its comprehensive plan and development regulations
19 and, on or after January 1, 2001, has taken action in response to that
20 review and evaluation shall be deemed to have conducted the first
21 review required by subsection (4)(a) of this section. Subsequent
22 review and evaluation by the county or city of its comprehensive plan
23 and development regulations shall be conducted in accordance with the
24 time periods established under subsection (4)(a) of this section.

25 (7) The requirements imposed on counties and cities under this
26 section shall be considered "requirements of this chapter" under the
27 terms of RCW 36.70A.040(1). Only those counties and cities in
28 compliance with the schedules in this section shall have the requisite
29 authority to receive grants, loans, pledges, or financial guarantees
30 from those accounts established in RCW 43.155.050 and 70.146.030. Only
31 those counties and cities in compliance with the schedules in this
32 section shall receive preference for grants or loans subject to the
33 provisions of RCW 43.17.250.

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