
SUBSTITUTE SENATE BILL 6592

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to distinguishing growth management update
2 responsibilities between slower and faster growing cities and counties;
3 and amending RCW 36.70A.130.

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

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

7 (1)(a) 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. A county or city shall take legislative action
10 according to the schedule established under subsection (4) of this
11 section and the scope specified in subsection (5) of this section to
12 review and, if needed, revise its comprehensive land use plan and
13 development regulations to ensure the plan and regulations comply with
14 the requirements of this chapter (~~according to the time periods~~
15 ~~specified in subsection (4) of this section~~). A county or city not
16 planning under RCW 36.70A.040 shall take action to review and, if
17 needed, revise its policies and development regulations regarding
18 critical areas and natural resource lands adopted according to this
19 chapter to ensure these policies and regulations comply with the

1 requirements of this chapter according to the (~~time periods specified~~
2 ~~in~~) schedule established under subsection (4) of this section.
3 Legislative action means the adoption of a resolution or ordinance
4 following notice and a public hearing indicating at a minimum, a
5 finding that a review and evaluation has occurred and identifying the
6 revisions made, or that a revision was not needed and the reasons
7 therefore. The review and evaluation required by this subsection may
8 be combined with the review required by subsection (3) of this section.
9 The review and evaluation required by this subsection shall include,
10 but is not limited to, consideration of critical area ordinances and,
11 if planning under RCW 36.70A.040, an analysis of the population
12 allocated to a city or county from the most recent ten-year population
13 forecast by the office of financial management.

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

18 (2)(a) Each county and city shall establish and broadly disseminate
19 to the public a public participation program consistent with RCW
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules
21 whereby updates, proposed amendments, or revisions of the comprehensive
22 plan are considered by the governing body of the county or city no more
23 frequently than once every year. "Updates" means to review and revise,
24 if needed, according to subsection (1) of this section, and the (~~time~~
25 ~~periods specified in~~) schedule established under subsection (4) of
26 this section. Amendments may be considered more frequently than once
27 per year under the following circumstances:

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

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

32 (iii) The amendment of the capital facilities element of a
33 comprehensive plan that occurs concurrently with the adoption or
34 amendment of a county or city budget.

35 (b) Except as otherwise provided in (a) of this subsection, all
36 proposals shall be considered by the governing body concurrently so the
37 cumulative effect of the various proposals can be ascertained.
38 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 appeal
3 of a comprehensive plan filed with a growth management hearings board
4 or with the court.

5 (3) Each county that designates urban growth areas under RCW
6 36.70A.110 shall review, at least every ten years, its designated urban
7 growth area or areas, and the densities permitted within both the
8 incorporated and unincorporated portions of each urban growth area. In
9 conjunction with this review by the county, each city located within an
10 urban growth area shall review the densities permitted within its
11 boundaries, and the extent to which the urban growth occurring within
12 the county has located within each city and the unincorporated portions
13 of the urban growth areas. The county comprehensive plan designating
14 urban growth areas, and the densities permitted in the urban growth
15 areas by the comprehensive plans of the county and each city located
16 within the urban growth areas, shall be revised to accommodate the
17 urban growth projected to occur in the county for the succeeding
18 twenty-year period. The review required by this subsection may be
19 combined with the review and evaluation required by RCW 36.70A.215.

20 (4) The department shall establish a schedule for counties and
21 cities to take action to review and, if needed, revise their
22 comprehensive plans and development regulations to ensure the plan and
23 regulations comply with the requirements of this chapter. Such
24 schedule shall be based on the official April 1st population estimates
25 and forecasts issued by the office of financial management in April of
26 the year two years prior to the update required under this section.
27 The schedule established by the department shall provide for the
28 reviews and evaluations to be completed as follows:

29 (a) On or before December 1, 2004, ~~((and every seven years~~
30 ~~thereafter,))~~ for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
31 Snohomish, Thurston, and Whatcom counties and the cities within those
32 counties, and every seven years thereafter for Clark, King, Kitsap,
33 Pierce, Snohomish, and Thurston counties and the cities within those
34 counties, and every ten years thereafter for Clallam, Jefferson, and
35 Whatcom counties and the cities within those counties except that the
36 December 1, 2004, updates required for Clallam, Jefferson, and Whatcom
37 counties and the cities within those counties may be delayed until

1 December 1, 2005, if each county and the cities within that county
2 mutually agree by legislative action within forty-five days of the
3 effective date of this section;

4 (b) On or before December 1, 2005, and every ((~~seven~~)) ten years
5 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
6 Skamania counties and the cities within those counties;

7 (c) On or before December 1, 2006, and every ((~~seven~~)) ten years
8 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
9 Yakima counties and the cities within those counties; ((~~and~~))

10 (d) On or before December 1, 2007, and every ((~~seven~~)) ten years
11 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
12 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
13 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
14 within those counties; and

15 (e) Notwithstanding the provisions of (a) through (d) of this
16 subsection, for any county with a population seventy-five thousand or
17 greater and a growth rate of seventeen percent or greater, and the
18 cities within, the updates required under this section shall be every
19 seven years.

20 (5) The scope of the required reviews and updates under this
21 section shall consist of the following:

22 (a) For local governments meeting the criteria established in
23 subsection (6)(a) of this section, all the provisions of this chapter;
24 and

25 (b) For local governments meeting the criteria established in
26 subsection (6)(b) of this section, at least the following provisions:

27 (i) Review and update, if necessary, critical areas designated
28 under RCW 36.70A.170, and policies and development regulations adopted
29 under RCW 36.70A.060 that protect critical areas, to include best
30 available science;

31 (ii) Review and update, if necessary, resource lands designated
32 under RCW 36.70A.170, and policies and development regulations adopted
33 under RCW 36.70A.060 that protect resource lands; and

34 (iii) For a county or city that is required or chooses to plan
35 under RCW 36.70A.040, review and update, if necessary, local
36 comprehensive plan and development regulations necessary to incorporate
37 any changes in this chapter since the last required local review and

1 update and to plan for an individual county's or city's share of
2 projected population growth based on the most current office of
3 financial management population forecast.

4 (6)(a) All jurisdictions subject to the requirements of RCW
5 36.70A.215(7), all counties with populations of seventy-five thousand
6 or greater, and all counties and the cities within those counties that
7 have experienced population growth rates in excess of seventeen percent
8 during the ten years prior to their most recent population projections
9 shall conduct reviews and updates covering the scope of issues required
10 in subsection (5)(a) of this section.

11 (b) A county containing less than seventy-five thousand people, and
12 any city outside a county subject to the requirements of RCW
13 36.70A.215(7) containing less than five thousand people, that has
14 experienced a population growth rate of less than seventeen percent
15 during the ten years prior to the deadline established in subsection
16 (4) of this section shall conduct its review and update to cover, at a
17 minimum, the scope of issues required in subsection (5)(b) of this
18 section.

19 For the purposes of this subsection, "growth rates" and "population
20 projections" are those rates and projections reported by the office of
21 financial management.

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

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

31 ((+6)) (8) A county or city subject to the time periods in
32 subsection (4)(a) of this section that, pursuant to an ordinance
33 adopted by the county or city establishing a schedule for periodic
34 review of its comprehensive plan and development regulations, has
35 conducted a review and evaluation of its comprehensive plan and
36 development regulations and, on or after January 1, 2001, has taken
37 action in response to that review and evaluation shall be deemed to
38 have conducted the first review required by subsection (4)(a) of this

1 section. Subsequent review and evaluation by the county or city of its
2 comprehensive plan and development regulations shall be conducted in
3 accordance with the time periods established under subsection (4)(a) of
4 this section.

5 ~~((7))~~ (9) A county or city that, pursuant to an ordinance adopted
6 by the county or city establishing a schedule for periodic review of
7 its comprehensive plan and development regulations, has conducted a
8 review and evaluation of its comprehensive plan and development
9 regulations and, no earlier than two years prior to the date
10 established for its action in subsection (4) of this section, has taken
11 action in response to that review and evaluation shall be deemed to
12 have conducted the review required for that deadline by subsection (4)
13 of this section.

14 (10) The requirements imposed on counties and cities under this
15 section shall be considered "requirements of this chapter" under the
16 terms of RCW 36.70A.040(1). Only those counties and cities in
17 compliance with the schedules in this section shall have the requisite
18 authority to receive grants, loans, pledges, or financial guarantees
19 from those accounts established in RCW 43.155.050 and 70.146.030. Only
20 those counties and cities in compliance with the schedules in this
21 section shall receive preference for grants or loans subject to the
22 provisions of RCW 43.17.250.

23 (11) For the purposes of subsection (6)(b) of this section, the
24 provisions of RCW 36.70A.280 apply only to matters within the scope of
25 issues required in subsection (5)(b) of this section, and any other
26 provisions a jurisdiction chooses to review and update beyond those
27 required in subsection (5)(b) of this section.

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