
SENATE BILL 6592

State of Washington

58th Legislature

2004 Regular Session

By Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette

Read first time 01/26/2004. Referred to Committee on Land Use & Planning.

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

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

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

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

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

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

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

33 (b) Except as otherwise provided in (a) of this subsection, all
34 proposals shall be considered by the governing body concurrently so the
35 cumulative effect of the various proposals can be ascertained.
36 However, after appropriate public participation a county or city may
37 adopt amendments or revisions to its comprehensive plan that conform

1 with this chapter whenever an emergency exists or to resolve an appeal
2 of a comprehensive plan filed with a growth management hearings board
3 or with the court.

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

19 (4) Within at least two years of the schedules provided in this
20 section, 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. The schedule
24 established by the department shall include individual city and county
25 population estimates based on office of financial management
26 information and provide for the reviews and evaluations to be completed
27 as follows:

28 (a) On or before December 1, 2004, and every (~~seven~~) ten years
29 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
30 Snohomish, Thurston, and Whatcom counties and the cities within those
31 counties, except that:

32 (i) The December 1, 2004, updates required for Clallam, Jefferson,
33 and Whatcom counties and the cities within those counties may be
34 delayed until December 1, 2005, if each county and the cities within
35 that county mutually agree by legislative action within forty-five days
36 of the effective date of this section; and

37 (ii) Subsequent updates in Clallam, Jefferson, and Whatcom counties

1 and the cities within those counties, shall be subject to subsection
2 (5) of this section;

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

7 (c) On or before December 1, 2006, and every (~~seven~~) ten years
8 thereafter subject to subsection (5) of this section, for Benton,
9 Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the
10 cities within those counties; and

11 (d) On or before December 1, 2007, and every (~~seven~~) ten years
12 thereafter subject to subsection (5) of this section, for Adams,
13 Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat,
14 Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla
15 Walla, and Whitman counties and the cities within those counties.

16 (5) For all local governments outside of King, Pierce, Snohomish,
17 Kitsap, Thurston, and Clark counties, the review and update
18 requirements of this chapter shall conform to the following
19 requirements:

20 (a) Each such county and the cities within that county that have
21 experienced population growth rates in excess of seventeen percent as
22 reported by the office of financial management during the ten years
23 prior to the deadline established in subsection (4) of this section for
24 that county or city to take action to review and update local
25 comprehensive plans and development regulations shall conduct such
26 reviews and updates in conformance with all provisions of this section.

27 (b) Each such county containing less than sixty thousand people and
28 the cities within that county containing less than five thousand people
29 that have experienced population growth rates of less than seventeen
30 percent as reported by the office of financial management during the
31 ten years prior to the deadline established in subsection (4) of this
32 section for that county or city to review and update local
33 comprehensive plans and development regulations shall at a minimum,
34 conduct its review and update responsibilities as follows:

35 (i) Review and update, if necessary, critical areas designated
36 under RCW 36.70A.170 and policies and development regulations that
37 protect critical areas to include best available science;

1 (ii) Review and update, if necessary, resource lands designated
2 under RCW 36.70A.170 and policies and development regulations that
3 protect resource lands;

4 (iii) For a county or city that is required or chooses to plan
5 under RCW 36.70A.040, review and update, if necessary, local
6 comprehensive plan and development regulation ordinances necessary to
7 comply with provisions of RCW 36.70A.110; and

8 For a county or city that is required or chooses to plan under RCW
9 36.70A.040, review and update, if necessary, local comprehensive plan
10 and development regulations to incorporate any changes in this chapter
11 since the last required local review and update.

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

18 (b) State agencies (~~(are encouraged to)~~) must provide technical
19 assistance to the counties and cities in the review of critical area
20 ordinances, comprehensive plans, and development regulations.

21 ~~((+6))~~ (7) A county or city subject to the time periods in
22 subsection (4)(a) of this section that, pursuant to an ordinance
23 adopted by the county or city establishing a schedule for periodic
24 review of its comprehensive plan and development regulations, has
25 conducted a review and evaluation of its comprehensive plan and
26 development regulations and, on or after January 1, 2001, has taken
27 action in response to that review and evaluation shall be deemed to
28 have conducted the first review required by subsection (4)(a) of this
29 section. Subsequent review and evaluation by the county or city of its
30 comprehensive plan and development regulations shall be conducted in
31 accordance with the time periods established under subsection (4)(a) of
32 this section.

33 ~~((+7))~~ (8) A county or city subject to the time periods in
34 subsection (4) of this section that, pursuant to an ordinance adopted
35 by the county or city establishing a schedule for periodic review of
36 its comprehensive plan and development regulations, has conducted a
37 review and evaluation of its comprehensive plan and development
38 regulations and, no earlier than two years prior to the date

1 established for its action in subsection (4) of this section, has taken
2 action in response to that review and evaluation shall be deemed to
3 have conducted the review required for that deadline by subsection (4)
4 of this section.

5 (9) The requirements imposed on counties and cities under this
6 section shall be considered "requirements of this chapter" under the
7 terms of RCW 36.70A.040(1). Only those counties and cities in
8 compliance with the schedules in this section shall have the requisite
9 authority to receive grants, loans, pledges, or financial guarantees
10 from those accounts established in RCW 43.155.050 and 70.146.030. Only
11 those counties and cities in compliance with the schedules in this
12 section shall receive preference for grants or loans subject to the
13 provisions of RCW 43.17.250.

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