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HOUSE BILL 2117

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Fromhold and Dunshee

Read first time 02/18/2005. Referred to Committee on Local Government.

1            AN ACT Relating to allowing cities and counties critical areas time  
2 extensions for the purpose of participation in the public works trust  
3 fund; 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) The department shall establish a schedule for counties and  
20 cities to take action to review and, if needed, revise their  
21 comprehensive plans and development regulations to ensure the plan and  
22 regulations comply with the requirements of this chapter. The schedule  
23 established by the department shall provide for the reviews and  
24 evaluations to be completed as follows:

25 (a) On or before December 1, 2004, and every seven years  
26 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
27 Snohomish, Thurston, and Whatcom counties and the cities within those  
28 counties;

29 (b) On or before December 1, 2005, and every seven years  
30 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
31 Skamania counties and the cities within those counties;

32 (c) On or before December 1, 2006, and every seven years  
33 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
34 Yakima counties and the cities within those counties; and

35 (d) On or before December 1, 2007, and every seven years  
36 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
37 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,

1 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
2 within those counties.

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

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

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

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

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