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**SUBSTITUTE HOUSE BILL 2814**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Simpson, Schindler, Springer and Lantz; by request of Department of Community, Trade, and Economic Development)

READ FIRST TIME 2/3/06.

1            AN ACT Relating to schedules for the review of comprehensive plans  
2 and development regulations for certain cities and counties; reenacting  
3 and amending RCW 36.70A.130; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** There is a statewide interest in maintaining  
6 coordinated planning as called for in the legislative findings of the  
7 growth management act, RCW 36.70A.010. It is the intent of the  
8 legislature that smaller, slower-growing counties and cities be  
9 provided with flexibility in meeting the requirements to review local  
10 plans and development regulations in RCW 36.70A.130, while ensuring  
11 coordination and consistency with the plans of neighboring cities and  
12 counties.

13            **Sec. 2.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are  
14 each reenacted and amended to read as follows:

15            (1)(a) Each comprehensive land use plan and development regulations  
16 shall be subject to continuing review and evaluation by the county or  
17 city that adopted them. Except as otherwise provided, a county or city  
18 shall take legislative action to review and, if needed, revise its

1 comprehensive land use plan and development regulations to ensure the  
2 plan and regulations comply with the requirements of this chapter  
3 according to the time periods specified in subsection (4) of this  
4 section.

5 (b) Except as otherwise provided, a county or city not planning  
6 under RCW 36.70A.040 shall take action to review and, if needed, revise  
7 its policies and development regulations regarding critical areas and  
8 natural resource lands adopted according to this chapter to ensure  
9 these policies and regulations comply with the requirements of this  
10 chapter according to the time periods specified in subsection (4) of  
11 this section. Legislative action means the adoption of a resolution or  
12 ordinance following notice and a public hearing indicating at a  
13 minimum, a finding that a review and evaluation has occurred and  
14 identifying the revisions made, or that a revision was not needed and  
15 the reasons therefor.

16 (c) The review and evaluation required by this subsection may be  
17 combined with the review required by subsection (3) of this section.  
18 The review and evaluation required by this subsection shall include,  
19 but is not limited to, consideration of critical area ordinances and,  
20 if planning under RCW 36.70A.040, an analysis of the population  
21 allocated to a city or county from the most recent ten-year population  
22 forecast by the office of financial management.

23 (d) Any amendment of or revision to a comprehensive land use plan  
24 shall conform to this chapter. Any amendment of or revision to  
25 development regulations shall be consistent with and implement the  
26 comprehensive plan.

27 (2)(a) Each county and city shall establish and broadly disseminate  
28 to the public a public participation program consistent with RCW  
29 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
30 whereby updates, proposed amendments, or revisions of the comprehensive  
31 plan are considered by the governing body of the county or city no more  
32 frequently than once every year. "Updates" means to review and revise,  
33 if needed, according to subsection (1) of this section, and the time  
34 periods specified in subsection (4) of this section or in accordance  
35 with the provisions of subsection (8) of this section. Amendments may  
36 be considered more frequently than once per year under the following  
37 circumstances:

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

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

5 (iii) The amendment of the capital facilities element of a  
6 comprehensive plan that occurs concurrently with the adoption or  
7 amendment of a county or city budget; and

8 (iv) Until June 30, 2006, the designation of recreational lands  
9 under RCW 36.70A.1701. A county amending its comprehensive plan  
10 pursuant to this subsection (2)(a)(iv) may not do so more frequently  
11 than every eighteen months.

12 (b) Except as otherwise provided in (a) of this subsection, all  
13 proposals shall be considered by the governing body concurrently so the  
14 cumulative effect of the various proposals can be ascertained.  
15 However, after appropriate public participation a county or city may  
16 adopt amendments or revisions to its comprehensive plan that conform  
17 with this chapter whenever an emergency exists or to resolve an appeal  
18 of a comprehensive plan filed with a growth management hearings board  
19 or with the court.

20 (3)(a) Each county that designates urban growth areas under RCW  
21 36.70A.110 shall review, at least every ten years, its designated urban  
22 growth area or areas, and the densities permitted within both the  
23 incorporated and unincorporated portions of each urban growth area. In  
24 conjunction with this review by the county, each city located within an  
25 urban growth area shall review the densities permitted within its  
26 boundaries, and the extent to which the urban growth occurring within  
27 the county has located within each city and the unincorporated portions  
28 of the urban growth areas.

29 (b) The county comprehensive plan designating urban growth areas,  
30 and the densities permitted in the urban growth areas by the  
31 comprehensive plans of the county and each city located within the  
32 urban growth areas, shall be revised to accommodate the urban growth  
33 projected to occur in the county for the succeeding twenty-year period.  
34 The review required by this subsection may be combined with the review  
35 and evaluation required by RCW 36.70A.215.

36 (4) The department shall establish a schedule for counties and  
37 cities to take action to review and, if needed, revise their  
38 comprehensive plans and development regulations to ensure the plan and

1 regulations comply with the requirements of this chapter. Except as  
2 provided in subsection (8) of this section, the schedule established by  
3 the department shall provide for the reviews and evaluations to be  
4 completed as follows:

5 (a) On or before December 1, 2004, and every seven years  
6 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
7 Snohomish, Thurston, and Whatcom counties and the cities within those  
8 counties;

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

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

15 (d) On or before December 1, 2007, and every seven years  
16 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
17 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
18 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
19 within those counties.

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

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

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

1 and development regulations shall be conducted in accordance with the  
2 time periods established under subsection (4)(a) of this section.

3 (7) The requirements imposed on counties and cities under this  
4 section shall be considered "requirements of this chapter" under the  
5 terms of RCW 36.70A.040(1). Only those counties and cities in  
6 compliance with the schedules in this section and those counties and  
7 cities demonstrating substantial progress towards compliance with the  
8 schedules in this section for development regulations that protect  
9 critical areas may receive grants, loans, pledges, or financial  
10 guarantees from those accounts established in RCW 43.155.050 and  
11 70.146.030. A county or city that is fewer than twelve months out of  
12 compliance with the schedules in this section for development  
13 regulations that protect critical areas is deemed to be making  
14 substantial progress towards compliance. Only those counties and  
15 cities in compliance with the schedules in this section may receive  
16 preference for grants or loans subject to the provisions of RCW  
17 43.17.250.

18 (8)(a) Except as otherwise provided, counties and cities required  
19 to satisfy the requirements of this section according to the schedule  
20 established by subsection (4)(b) through (d) of this section may comply  
21 with the requirements of this section for development regulations that  
22 protect critical areas one year after the dates established in  
23 subsection (4)(b) through (d) of this section.

24 (b)(i) Counties required to satisfy the requirements of this  
25 section according to the schedule established by subsection (4)(b)  
26 through (d) of this section may comply with the requirements of this  
27 section for comprehensive plans and development regulations at any time  
28 three or fewer years after the applicable dates established in  
29 subsection (4)(b) through (d) of this section. Counties exercising  
30 this extension must have:

31 (A) A population of less than fifty thousand; and

32 (B) Had a population increase of seventeen percent or less in the  
33 ten years preceding the applicable date established in subsection  
34 (4)(b) through (d) of this section.

35 (ii) Population eligibility determinations for purposes of (b)(i)  
36 of this subsection shall be made using the population of the county on  
37 the applicable date established in subsection (4)(b) through (d) of  
38 this section.

1 (c)(i) Cities required to satisfy the requirements of this section  
2 according to the schedule established by subsection (4)(b) through (d)  
3 of this section may comply with the requirements of this section for  
4 comprehensive plans and development regulations at any time three or  
5 fewer years after the applicable dates established in subsection (4)(b)  
6 through (d) of this section. Cities exercising this extension must  
7 have a population of less than five thousand and had a population  
8 increase of one hundred or fewer persons, or seventeen percent or less,  
9 in the ten years preceding the applicable date established in  
10 subsection (4)(b) through (d) of this section.

11 (ii) Population eligibility determinations for purposes of (c)(i)  
12 of this subsection shall be made using the population of the city on  
13 the applicable date established in subsection (4)(b) through (d) of  
14 this section.

15 (d) Counties and cities complying with the (~~requirements of this~~  
16 section one year after the dates established in subsection (4)(b)  
17 through (d) of this section for development regulations that protect  
18 critical areas shall be deemed in)) extension provisions of (a), (b),  
19 or (c) of this subsection that satisfy the requirements of those  
20 provisions within the applicable extension periods may not be deemed  
21 out of compliance with the requirements of this section.

22 (~~(e) This~~) (e) Subsection (8)(a) of this section applies only to  
23 the counties and cities specified in subsection (4)(b) through (d) of  
24 this section, and only to the requirements of this section for  
25 development regulations that protect critical areas that must be  
26 satisfied by December 1, 2005, December 1, 2006, (~~and~~) or December 1,  
27 2007. The extension provisions of (a) of this subsection do not apply  
28 to a jurisdiction exercising an extension under (b) or (c) of this  
29 subsection.

30 (9) Notwithstanding (~~subsection (8) of this section and~~) the  
31 substantial progress provisions of subsections (7) and (10) of this  
32 section, only those counties and cities complying with the schedules in  
33 subsections (4) and (8) of this section may receive preferences for  
34 grants, loans, pledges, or financial guarantees from those accounts  
35 established in RCW 43.155.050 and 70.146.030.

36 (10) Until December 1, 2005, and notwithstanding subsection (7) of  
37 this section, a county or city subject to the time periods in  
38 subsection (4)(a) of this section demonstrating substantial progress

1 towards compliance with the schedules in this section for its  
2 comprehensive land use plan and development regulations may receive  
3 grants, loans, pledges, or financial guarantees from those accounts  
4 established in RCW 43.155.050 and 70.146.030. A county or city that is  
5 fewer than twelve months out of compliance with the schedules in this  
6 section for its comprehensive land use plan and development regulations  
7 is deemed to be making substantial progress towards compliance.

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