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SENATE BILL 5923

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State of Washington

59th Legislature

2005 Regular Session

By Senator Kastama

Read first time 02/15/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to timelines for required comprehensive plan and  
2 development regulation updates; 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. Except as otherwise provided, a county or city  
9 shall take legislative action to review and, if needed, revise its  
10 comprehensive land use plan and development regulations to ensure the  
11 plan and regulations comply with the requirements of this chapter  
12 according to the time periods specified in subsection (4) of this  
13 section. Except as otherwise provided, a county or city not planning  
14 under RCW 36.70A.040 shall take action to review and, if needed, revise  
15 its policies and development regulations regarding critical areas and  
16 natural resource lands adopted according to this chapter to ensure  
17 these policies and regulations comply with the requirements of this  
18 chapter according to the time periods specified in subsection (4) of  
19 this section. Legislative action means the adoption of a resolution or

1 ordinance following notice and a public hearing indicating at a  
2 minimum, a finding that a review and evaluation has occurred and  
3 identifying the revisions made, or that a revision was not needed and  
4 the reasons therefore. The review and evaluation required by this  
5 subsection may be combined with the review required by subsection (3)  
6 of this section. The review and evaluation required by this subsection  
7 shall include, but is not limited to, consideration of critical area  
8 ordinances and, if planning under RCW 36.70A.040, an analysis of the  
9 population allocated to a city or county from the most recent ten-year  
10 population forecast by the office of financial 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 (2)(a) Each county and city shall establish and broadly disseminate  
16 to the public a public participation program consistent with RCW  
17 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
18 whereby updates, proposed amendments, or revisions of the comprehensive  
19 plan are considered by the governing body of the county or city no more  
20 frequently than once every year. "Updates" means to review and revise,  
21 if needed, according to subsection (1) of this section, and the time  
22 periods specified in subsection (4) of this section or in accordance  
23 with subsections (5) through (7) 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. Except as  
23 provided in subsections (5) through (7) of this section, the schedule  
24 established by the department shall provide for the reviews and  
25 evaluations to be completed as follows:

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

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

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

36 (d) On or before December 1, 2007, and every seven years  
37 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,

1 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
2 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
3 within those counties.

4 (5) If a county planning under RCW 36.70A.040 meets all of the  
5 criteria in (a) through (e) of this subsection, its legislative body  
6 may by resolution choose to forgo one update required by subsection (4)  
7 of this section every fourteen years.

8 (a) The county has a population of less than twenty thousand two  
9 years prior to the date it is required to conduct its review as  
10 required in subsection (4) of this section;

11 (b) The county had its population increase by less than seventeen  
12 percent in the ten years prior to the official population estimates  
13 issued by the office of financial management more than two years prior  
14 to the update deadline required under subsection (4) of this section;

15 (c) The department of community, trade, and economic development  
16 determines that the county has revised its policies and development  
17 regulations regarding critical areas and natural resource lands adopted  
18 according to this chapter to comply with RCW 36.70A.060, 36.70A.170,  
19 and 36.70A.172(1);

20 (d) The county has complied with any final decisions and orders  
21 issued under RCW 36.70A.300(3)(b) finding the policies or development  
22 regulations violate this chapter or the matter is on appeal as provided  
23 in RCW 36.70A.300(5); and

24 (e) The review is the first required by subsection (4) of this  
25 section or the county completed the prior review required by subsection  
26 (4) of this section.

27 (6) If a city planning under RCW 36.70A.040 meets all of the  
28 criteria in (a) through (g) of this subsection, its legislative body  
29 may by resolution choose to forgo one update required by subsection (4)  
30 of this section every fourteen years.

31 (a) The city has a population of less than one thousand five  
32 hundred two years prior to the date it is required to conduct its  
33 review as specified in subsection (4) of this section;

34 (b) The city had its population increase by less than seventeen  
35 percent or one hundred people whichever is greater in terms of  
36 population in the ten years prior to the official population estimates  
37 issued by the office of financial management more than two years prior  
38 to the update deadline required under subsection (4) of this section;

1 (c) The department of community, trade, and economic development  
2 determines that the city has revised its policies and development  
3 regulations regarding critical areas and natural resource lands adopted  
4 according to this chapter to comply with RCW 36.70A.060, 36.70A.170,  
5 and 36.70A.172(1);

6 (d) The city has complied with any final decisions and orders  
7 issued under RCW 36.70A.300(3)(b) finding the policies or development  
8 regulations violate this chapter or the matter is on appeal as provided  
9 in RCW 36.70A.300(5);

10 (e) There are no proposals to expand the urban growth area in which  
11 the city is located;

12 (f) RCW 36.70A.215 does not apply to the city; and

13 (g) The review is the first required by subsection (4) of this  
14 section or the city completed the prior review required by subsection  
15 (4) of this section.

16 (7) If a county or city not planning under RCW 36.70A.040 meets all  
17 of the requirements of (a) through (c) of this subsection, its  
18 legislative body may by resolution choose to forgo one update required  
19 by subsection (4) of this section every fourteen years.

20 (a) The department of community, trade, and economic development  
21 determines that the county or city has revised its policies and  
22 development regulations regarding critical areas and natural resource  
23 lands adopted according to this chapter to comply with RCW 36.70A.060,  
24 36.70A.170, and 36.70A.172(1);

25 (b) The county or city has complied with any final decisions and  
26 orders issued under RCW 36.70A.300(3)(b) finding the policies or  
27 development regulations violate this chapter or the matter is on appeal  
28 as provided in RCW 36.70A.300(5); and

29 (c) The review is the first required by subsection (4) of this  
30 section or the county or city completed the prior review required by  
31 subsection (4) of this section.

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

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

4 ~~((6))~~ (9) A county or city subject to the time periods in  
5 subsection (4)(a) of this section that, pursuant to an ordinance  
6 adopted by the county or city establishing a schedule for periodic  
7 review of its comprehensive plan and development regulations, has  
8 conducted a review and evaluation of its comprehensive plan and  
9 development regulations and, on or after January 1, 2001, has taken  
10 action in response to that review and evaluation shall be deemed to  
11 have conducted the first review required by subsection (4)(a) of this  
12 section. Except as otherwise provided, subsequent review and  
13 evaluation by the county or city of its comprehensive plan and  
14 development regulations shall be conducted in accordance with the time  
15 periods established under subsection (4)(a) of this section.

16 ~~((7))~~ (10) The requirements imposed on counties and cities under  
17 this section shall be considered "requirements of this chapter" under  
18 the terms of RCW 36.70A.040(1). Only those counties and cities in  
19 compliance with the schedules in this section shall have the requisite  
20 authority to receive grants, loans, pledges, or financial guarantees  
21 from those accounts established in RCW 43.155.050 and 70.146.030. Only  
22 those counties and cities in compliance with the schedules in this  
23 section shall receive preference for grants or loans subject to the  
24 provisions of RCW 43.17.250.

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