
SUBSTITUTE SENATE BILL 6427

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Mulliken, Morton and Rasmussen; by request of Department of Community, Trade, and Economic Development)

READ FIRST TIME 02/03/06.

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 subsections (5) and (8) of this section.
36 Amendments may be considered more frequently than once per year under
37 the following 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 (v) The adoption of a planned action ordinance, including any
13 related documents, under RCW 43.21C.030(2); and

14 (vi) The annexation of land located within an urban growth area
15 under chapter 35.13 RCW.

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

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

33 (b) The county comprehensive plan designating urban growth areas,
34 and the densities permitted in the urban growth areas by the
35 comprehensive plans of the county and each city located within the
36 urban growth areas, shall be revised to accommodate the urban growth
37 projected to occur in the county for the succeeding twenty-year period.

1 The review required by this subsection may be combined with the review
2 and evaluation required by RCW 36.70A.215.

3 (4) The department shall establish a schedule for counties and
4 cities to take action to review and, if needed, revise their
5 comprehensive plans and development regulations to ensure the plan and
6 regulations comply with the requirements of this chapter. Except as
7 provided in subsections (5) and (8) of this section, the schedule
8 established by the department shall provide for the reviews and
9 evaluations to be completed as follows:

10 (a) On or before December 1, 2004, and every seven years
11 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
12 Snohomish, Thurston, and Whatcom counties and the cities within those
13 counties;

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

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

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

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

31 (b) A county that is subject to a schedule established by the
32 department under subsection (4)(b) through (d) of this section and
33 meets the following criteria may comply with the requirements of this
34 section at any time within the thirty-six months following the date
35 established in the applicable schedule: The county has a population of
36 less than fifty thousand and has had its population increase by no more
37 than seventeen percent in the ten years preceding the date established
38 in the applicable schedule as of that date.

1 (c) A city that is subject to a schedule established by the
2 department under subsection (4)(b) through (d) of this section and
3 meets the following criteria may comply with the requirements of this
4 section at any time within the thirty-six months following the date
5 established in the applicable schedule: The city has a population of
6 no more than five thousand and has had its population increase by the
7 greater of either no more than one hundred persons or no more than
8 seventeen percent in the ten years preceding the date established in
9 the applicable schedule as of that date.

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

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

24 (7) The requirements imposed on counties and cities under this
25 section shall be considered "requirements of this chapter" under the
26 terms of RCW 36.70A.040(1). Only those counties and cities in
27 compliance with the schedules in this section (~~(and those counties and~~
28 ~~cities demonstrating substantial progress towards compliance with the~~
29 ~~schedules in this section for development regulations that protect~~
30 ~~critical areas)) may receive grants, loans, pledges, or financial
31 guarantees from those accounts established in RCW 43.155.050 and
32 70.146.030. (~~(A county or city that is fewer than twelve months out of~~
33 ~~compliance with the schedules in this section for development~~
34 ~~regulations that protect critical areas is deemed to be making~~
35 ~~substantial progress towards compliance.)) Only those counties and
36 cities in compliance with the schedules in this section may receive
37 preference for grants or loans subject to the provisions of RCW
38 43.17.250.~~~~

1 (8) Except as provided in subsection (5)(b) and (c) of this
2 section:

3 (a) Counties and cities required to satisfy the requirements of
4 this section according to the schedule established by subsection (4)(b)
5 through (d) of this section may comply with the requirements of this
6 section for development regulations that protect critical areas one
7 year after the dates established in subsection (4)(b) through (d) of
8 this section((~~-~~));i

9 (b) Counties and cities complying with the requirements of this
10 section one year after the dates established in subsection (4)(b)
11 through (d) of this section for development regulations that protect
12 critical areas shall be deemed in compliance with the requirements of
13 this section((~~-~~));i and

14 (c) This subsection (8) applies only to the counties and cities
15 specified in subsection (4)(b) through (d) of this section, and only to
16 the requirements of this section for development regulations that
17 protect critical areas that must be satisfied by December 1, 2005,
18 December 1, 2006, and December 1, 2007.

19 (9) Notwithstanding subsection (8) of this section and the
20 substantial progress provisions of subsections (7) and (10) of this
21 section, only those counties and cities complying with the schedule in
22 subsection (4) of this section may receive preferences for grants,
23 loans, pledges, or financial guarantees from those accounts established
24 in RCW 43.155.050 and 70.146.030.

25 (10) Until December 1, 2005, and notwithstanding subsection (7) of
26 this section, a county or city subject to the time periods in
27 subsection (4)(a) of this section demonstrating substantial progress
28 towards compliance with the schedules in this section for its
29 comprehensive land use plan and development regulations may receive
30 grants, loans, pledges, or financial guarantees from those accounts
31 established in RCW 43.155.050 and 70.146.030. A county or city that is
32 fewer than twelve months out of compliance with the schedules in this
33 section for its comprehensive land use plan and development regulations
34 is deemed to be making substantial progress towards compliance.

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