
SENATE BILL 6837

State of Washington

59th Legislature

2006 Regular Session

By Senator Mulliken

Read first time 01/26/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to development regulations review by counties with
2 low population densities; and reenacting 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 2005 c 423 s 6 and 2005 c 294 s 2 are
5 each reenacted and amended to read 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.

14 (b) Except as otherwise provided, a county or city not planning
15 under RCW 36.70A.040 shall take action to review and, if needed, revise
16 its policies and development regulations regarding critical areas and
17 natural resource lands adopted according to this chapter to ensure
18 these policies and regulations comply with the requirements of this
19 chapter according to the time periods specified in subsection (4) of

1 this section. Legislative action means the adoption of a resolution or
2 ordinance following notice and a public hearing indicating at a
3 minimum, a finding that a review and evaluation has occurred and
4 identifying the revisions made, or that a revision was not needed and
5 the reasons therefor.

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

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

17 (e) A county that has a population density of fewer than one
18 hundred persons per square mile as determined by the office of
19 financial management may opt to be exempt from the requirements of this
20 section to review and revise its comprehensive plans and development
21 regulations and to be exempt from the requirements of this section to
22 review and revise its critical area and natural resource land
23 ordinances. Any city located within a county where the county has a
24 population density of fewer than one hundred persons per square mile
25 may opt to be exempt from the requirements of this section in the same
26 manner as provided for counties under this subsection (1)(e). However,
27 any county or city opting to be exempt under this subsection that has
28 a county population density that grows to be equal to or more than one
29 hundred persons per square mile must comply with all of the
30 requirements of this section and the time period specified in this
31 subsection (1)(e).

32 (i) Two years from the date a county obtains a population density
33 of one hundred or more persons per square mile, a county and the cities
34 therein must review and revise its comprehensive plans and development
35 regulations.

36 (ii) A county and the cities therein must review and revise their
37 policies and development regulations regarding critical areas and
38 natural resource lands adopted under this chapter within two years of

1 the county obtaining a population density of one hundred or more
2 persons per square mile or fifteen years from the date of the most
3 recent adoption of a county's or city's critical area ordinance and
4 natural resource lands ordinance, whichever is earlier.

5 (f) The date a county obtains a population density of one hundred
6 or more persons per square mile, for the purposes of (e) of this
7 subsection, is the date that county population projections are
8 published by the office of financial management annually.

9 (2)(a) Each county and city shall establish and broadly disseminate
10 to the public a public participation program consistent with RCW
11 36.70A.035 and 36.70A.140 that identifies procedures and schedules
12 whereby updates, proposed amendments, or revisions of the comprehensive
13 plan are considered by the governing body of the county or city no more
14 frequently than once every year. "Updates" means to review and revise,
15 if needed, according to subsection (1) of this section, and the time
16 periods specified in subsection (4) of this section or in accordance
17 with the provisions of subsection (8) of this section. Amendments may
18 be considered more frequently than once per year under the following
19 circumstances:

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

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

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

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

31 (b) Except as otherwise provided in (a) of this subsection, all
32 proposals shall be considered by the governing body concurrently so the
33 cumulative effect of the various proposals can be ascertained.
34 However, after appropriate public participation a county or city may
35 adopt amendments or revisions to its comprehensive plan that conform
36 with this chapter whenever an emergency exists or to resolve an appeal
37 of a comprehensive plan filed with a growth management hearings board
38 or with the court.

1 (3)(a) Each county that designates urban growth areas under RCW
2 36.70A.110 shall review, at least every ten years, its designated urban
3 growth area or areas, and the densities permitted within both the
4 incorporated and unincorporated portions of each urban growth area. In
5 conjunction with this review by the county, each city located within an
6 urban growth area shall review the densities permitted within its
7 boundaries, and the extent to which the urban growth occurring within
8 the county has located within each city and the unincorporated portions
9 of the urban growth areas.

10 (b) The county comprehensive plan designating urban growth areas,
11 and the densities permitted in the urban growth areas by the
12 comprehensive plans of the county and each city located within the
13 urban growth areas, shall be revised to accommodate the urban growth
14 projected to occur in the county for the succeeding twenty-year period.
15 The review required by this subsection may be combined with the review
16 and evaluation required by RCW 36.70A.215.

17 (4) The department shall establish a schedule for counties and
18 cities to take action to review and, if needed, revise their
19 comprehensive plans and development regulations to ensure the plan and
20 regulations comply with the requirements of this chapter. Except as
21 provided in subsection (8) of this section, the schedule established by
22 the department shall provide for the reviews and evaluations to be
23 completed as follows:

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

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

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

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

1 ~~Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities~~
2 ~~within those counties))~~ For a county and the cities located within that
3 county that opted under subsection (1)(e) of this section to be exempt
4 from the requirements of this section, the time requirements of
5 subsection (1)(e)(i) and (ii) of this section apply. All counties and
6 the cities therein that opt to be exempt from the requirements of this
7 section under subsection (1)(e) of this section must provide written
8 notice of that decision to the department of community, trade, and
9 economic development by no later than November 1, 2007. All counties
10 and the cities therein that do not provide such notice must meet all
11 the requirements of this section on or before December 1, 2007, and
12 every seven years thereafter.

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

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

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

33 (7) The requirements imposed on counties and cities under this
34 section shall be considered "requirements of this chapter" under the
35 terms of RCW 36.70A.040(1). Only those counties and cities in
36 compliance with the schedules in this section and those counties and
37 cities demonstrating substantial progress towards compliance with the
38 schedules in this section for development regulations that protect

1 critical areas may receive grants, loans, pledges, or financial
2 guarantees from those accounts established in RCW 43.155.050 and
3 70.146.030. A county or city that is fewer than twelve months out of
4 compliance with the schedules in this section for development
5 regulations that protect critical areas is deemed to be making
6 substantial progress towards compliance. Only those counties and
7 cities in compliance with the schedules in this section may receive
8 preference for grants or loans subject to the provisions of RCW
9 43.17.250.

10 (8)(a) Counties and cities required to satisfy the requirements of
11 this section according to the schedule established by subsection (4)(b)
12 through (d) of this section may comply with the requirements of this
13 section for development regulations that protect critical areas one
14 year after the dates established in subsection (4)(b) through (d) of
15 this section.

16 (b) Counties and cities complying with the requirements of this
17 section one year after the dates established in subsection (4)(b)
18 through (d) of this section for development regulations that protect
19 critical areas shall be deemed in compliance with the requirements of
20 this section.

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

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

32 (10) Until December 1, 2005, and notwithstanding subsection (7) of
33 this section, a county or city subject to the time periods in
34 subsection (4)(a) of this section demonstrating substantial progress
35 towards compliance with the schedules in this section for its
36 comprehensive land use plan and development regulations may receive
37 grants, loans, pledges, or financial guarantees from those accounts
38 established in RCW 43.155.050 and 70.146.030. A county or city that is

1 fewer than twelve months out of compliance with the schedules in this
2 section for its comprehensive land use plan and development regulations
3 is deemed to be making substantial progress towards compliance.

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