
HOUSE BILL 1727

State of Washington

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By Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan

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1 AN ACT Relating to growth management planning to ensure sufficient
2 land and densities available to accommodate growth; and amending RCW
3 36.70A.070, 36.70A.090, 36.70A.110, 36.70A.115, and 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
6 as follows:

7 The comprehensive plan of a county or city that is required or
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
9 and descriptive text covering objectives, principles, and standards
10 used to develop the comprehensive plan. The plan shall be an
11 internally consistent document and all elements shall be consistent
12 with the future land use map. A comprehensive plan shall be adopted
13 and amended with public participation as provided in RCW 36.70A.140.

14 Each comprehensive plan shall include a plan, scheme, or design for
15 each of the following:

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, general aviation airports, public

1 utilities, public facilities, and other land uses. The land use
2 element shall include population densities, building intensities, and
3 estimates of future population growth and shall designate a sufficient
4 quantity of land suitable for development or densities to accommodate
5 anticipated population and economic growth. The land use element shall
6 provide for protection of the quality and quantity of ground water used
7 for public water supplies. Wherever possible, the land use element
8 should consider utilizing urban planning approaches that promote
9 physical activity. Where applicable, the land use element shall review
10 drainage, flooding, and storm water run-off in the area and nearby
11 jurisdictions and provide guidance for corrective actions to mitigate
12 or cleanse those discharges that pollute waters of the state, including
13 Puget Sound or waters entering Puget Sound.

14 (2) A housing element ensuring the availability of a variety of
15 residential densities and housing types and the vitality and character
16 of established residential neighborhoods that: (a) Includes an
17 inventory and analysis of existing and projected housing needs that
18 identifies the number of housing units necessary to ~~((manage))~~
19 accommodate projected growth; (b) includes a statement of goals,
20 policies, objectives, and mandatory provisions for the preservation,
21 improvement, and development of housing, including single-family
22 residences; (c)~~((i))~~ identifies a sufficient quantity of land suitable
23 for housing development or densities sufficient to accommodate existing
24 housing needs and projected population growth, including, but not
25 limited to, government-assisted housing, housing for low-income
26 families, manufactured housing, multifamily housing, and group homes
27 and foster care facilities and ((ii)) identifies the existing zoning of
28 the land, and demonstrates either that existing development regulations
29 will allow the densities and housing types for which the land was
30 identified or identifies specific changes to development regulations
31 that are proposed in order to achieve the necessary densities and
32 housing types; (d) ensures that development regulations applicable to
33 the identified land suitable for development allow development at
34 densities sufficient to accommodate existing and projected housing
35 needs; and ~~((d))~~ (e) makes adequate provisions for existing and
36 projected needs of all economic segments of the community.

37 (3) A capital facilities plan element consisting of: (a) An
38 inventory of existing capital facilities owned by public entities,

1 showing the locations and capacities of the capital facilities; (b) a
2 forecast of the future needs for such capital facilities; (c) the
3 proposed locations and capacities of expanded or new capital
4 facilities; (d) at least a six-year plan that will finance such capital
5 facilities within projected funding capacities and clearly identifies
6 sources of public money for such purposes; and (e) a requirement to
7 reassess the land use element if probable funding falls short of
8 meeting existing needs and to ensure that the land use element, capital
9 facilities plan element, and financing plan within the capital
10 facilities plan element are coordinated and consistent. Park and
11 recreation facilities shall be included in the capital facilities plan
12 element.

13 (4) A utilities element consisting of the general location,
14 proposed location, and capacity of all existing and proposed utilities,
15 including, but not limited to, electrical lines, telecommunication
16 lines, and natural gas lines.

17 (5) Rural element. Counties shall include a rural element
18 including lands that are not designated for urban growth, agriculture,
19 forest, or mineral resources. The following provisions shall apply to
20 the rural element:

21 (a) Growth management act goals and local circumstances. Because
22 circumstances vary from county to county, in establishing patterns of
23 rural densities and uses, a county may consider local circumstances,
24 but shall develop a written record explaining how the rural element
25 harmonizes the planning goals in RCW 36.70A.020 and meets the
26 requirements of this chapter.

27 (b) Rural development. The rural element shall permit rural
28 development, forestry, and agriculture in rural areas. The rural
29 element shall provide for a variety of rural densities, uses, essential
30 public facilities, and rural governmental services needed to serve the
31 permitted densities and uses. To achieve a variety of rural densities
32 and uses, counties may provide for clustering, density transfer, design
33 guidelines, conservation easements, and other innovative techniques
34 that will accommodate appropriate rural densities and uses that are not
35 characterized by urban growth and that are consistent with rural
36 character.

37 (c) Measures governing rural development. The rural element shall

1 include measures that apply to rural development and protect the rural
2 character of the area, as established by the county, by:

3 (i) Containing or otherwise controlling rural development;

4 (ii) Assuring visual compatibility of rural development with the
5 surrounding rural area;

6 (iii) Reducing the inappropriate conversion of undeveloped land
7 into sprawling, low-density development in the rural area;

8 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
9 surface water and ground water resources; and

10 (v) Protecting against conflicts with the use of agricultural,
11 forest, and mineral resource lands designated under RCW 36.70A.170.

12 (d) Limited areas of more intensive rural development. Subject to
13 the requirements of this subsection and except as otherwise
14 specifically provided in this subsection (5)(d), the rural element may
15 allow for limited areas of more intensive rural development, including
16 necessary public facilities and public services to serve the limited
17 area as follows:

18 (i) Rural development consisting of the infill, development, or
19 redevelopment of existing commercial, industrial, residential, or
20 mixed-use areas, whether characterized as shoreline development,
21 villages, hamlets, rural activity centers, or crossroads developments.

22 (A) A commercial, industrial, residential, shoreline, or mixed-use
23 area shall be subject to the requirements of (d)(iv) of this
24 subsection, but shall not be subject to the requirements of (c)(ii) and
25 (iii) of this subsection.

26 (B) Any development or redevelopment other than an industrial area
27 or an industrial use within a mixed-use area or an industrial area
28 under this subsection (5)(d)(i) must be principally designed to serve
29 the existing and projected rural population.

30 (C) Any development or redevelopment in terms of building size,
31 scale, use, or intensity shall be consistent with the character of the
32 existing areas. Development and redevelopment may include changes in
33 use from vacant land or a previously existing use so long as the new
34 use conforms to the requirements of this subsection (5);

35 (ii) The intensification of development on lots containing, or new
36 development of, small-scale recreational or tourist uses, including
37 commercial facilities to serve those recreational or tourist uses, that
38 rely on a rural location and setting, but that do not include new

1 residential development. A small-scale recreation or tourist use is
2 not required to be principally designed to serve the existing and
3 projected rural population. Public services and public facilities
4 shall be limited to those necessary to serve the recreation or tourist
5 use and shall be provided in a manner that does not permit low-density
6 sprawl;

7 (iii) The intensification of development on lots containing
8 isolated nonresidential uses or new development of isolated cottage
9 industries and isolated small-scale businesses that are not principally
10 designed to serve the existing and projected rural population and
11 nonresidential uses, but do provide job opportunities for rural
12 residents. Rural counties may allow the expansion of small-scale
13 businesses as long as those small-scale businesses conform with the
14 rural character of the area as defined by the local government
15 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
16 allow new small-scale businesses to utilize a site previously occupied
17 by an existing business as long as the new small-scale business
18 conforms to the rural character of the area as defined by the local
19 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
20 and public facilities shall be limited to those necessary to serve the
21 isolated nonresidential use and shall be provided in a manner that does
22 not permit low-density sprawl;

23 (iv) A county shall adopt measures to minimize and contain the
24 existing areas or uses of more intensive rural development, as
25 appropriate, authorized under this subsection. Lands included in such
26 existing areas or uses shall not extend beyond the logical outer
27 boundary of the existing area or use, thereby allowing a new pattern of
28 low-density sprawl. Existing areas are those that are clearly
29 identifiable and contained and where there is a logical boundary
30 delineated predominately by the built environment, but that may also
31 include undeveloped lands if limited as provided in this subsection.
32 The county shall establish the logical outer boundary of an area of
33 more intensive rural development. In establishing the logical outer
34 boundary the county shall address (A) the need to preserve the
35 character of existing natural neighborhoods and communities, (B)
36 physical boundaries such as bodies of water, streets and highways, and
37 land forms and contours, (C) the prevention of abnormally irregular

1 boundaries, and (D) the ability to provide public facilities and public
2 services in a manner that does not permit low-density sprawl;

3 (v) For purposes of (d) of this subsection, an existing area or
4 existing use is one that was in existence:

5 (A) On July 1, 1990, in a county that was initially required to
6 plan under all of the provisions of this chapter;

7 (B) On the date the county adopted a resolution under RCW
8 36.70A.040(2), in a county that is planning under all of the provisions
9 of this chapter under RCW 36.70A.040(2); or

10 (C) On the date the office of financial management certifies the
11 county's population as provided in RCW 36.70A.040(5), in a county that
12 is planning under all of the provisions of this chapter pursuant to RCW
13 36.70A.040(5).

14 (e) Exception. This subsection shall not be interpreted to permit
15 in the rural area a major industrial development or a master planned
16 resort unless otherwise specifically permitted under RCW 36.70A.360 and
17 36.70A.365.

18 (6) A transportation element that implements, and is consistent
19 with, the land use element.

20 (a) The transportation element shall include the following
21 subelements:

22 (i) Land use assumptions used in estimating travel;

23 (ii) Estimated traffic impacts to state-owned transportation
24 facilities resulting from land use assumptions to assist the department
25 of transportation in monitoring the performance of state facilities, to
26 plan improvements for the facilities, and to assess the impact of land-
27 use decisions on state-owned transportation facilities;

28 (iii) Facilities and services needs, including:

29 (A) An inventory of air, water, and ground transportation
30 facilities and services, including transit alignments and general
31 aviation airport facilities, to define existing capital facilities and
32 travel levels as a basis for future planning. This inventory must
33 include state-owned transportation facilities within the city or
34 county's jurisdictional boundaries;

35 (B) Level of service standards for all locally owned arterials and
36 transit routes to serve as a gauge to judge performance of the system.
37 These standards should be regionally coordinated;

1 (C) For state-owned transportation facilities, level of service
2 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
3 to gauge the performance of the system. The purposes of reflecting
4 level of service standards for state highways in the local
5 comprehensive plan are to monitor the performance of the system, to
6 evaluate improvement strategies, and to facilitate coordination between
7 the county's or city's six-year street, road, or transit program and
8 the department of transportation's six-year investment program. The
9 concurrency requirements of (b) of this subsection do not apply to
10 transportation facilities and services of statewide significance except
11 for counties consisting of islands whose only connection to the
12 mainland are state highways or ferry routes. In these island counties,
13 state highways and ferry route capacity must be a factor in meeting the
14 concurrency requirements in (b) of this subsection;

15 (D) Specific actions and requirements for bringing into compliance
16 locally owned transportation facilities or services that are below an
17 established level of service standard;

18 (E) Forecasts of traffic for at least ten years based on the
19 adopted land use plan to provide information on the location, timing,
20 and capacity needs of future growth;

21 (F) Identification of state and local system needs to meet current
22 and future demands. Identified needs on state-owned transportation
23 facilities must be consistent with the statewide multimodal
24 transportation plan required under chapter 47.06 RCW;

25 (iv) Finance, including:

26 (A) An analysis of funding capability to judge needs against
27 probable funding resources;

28 (B) A multiyear financing plan based on the needs identified in the
29 comprehensive plan, the appropriate parts of which shall serve as the
30 basis for the six-year street, road, or transit program required by RCW
31 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
32 for public transportation systems. The multiyear financing plan should
33 be coordinated with the ((~~six-year~~)) ten-year improvement program
34 developed by the department of transportation as required by RCW
35 47.05.030;

36 (C) If probable funding falls short of meeting identified needs, a
37 discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service
2 standards will be met;

3 (v) Intergovernmental coordination efforts, including an assessment
4 of the impacts of the transportation plan and land use assumptions on
5 the transportation systems of adjacent jurisdictions;

6 (vi) Demand-management strategies;

7 (vii) Pedestrian and bicycle component to include collaborative
8 efforts to identify and designate planned improvements for pedestrian
9 and bicycle facilities and corridors that address and encourage
10 enhanced community access and promote healthy lifestyles.

11 (b) After adoption of the comprehensive plan by jurisdictions
12 required to plan or who choose to plan under RCW 36.70A.040, local
13 jurisdictions must adopt and enforce ordinances which prohibit
14 development approval if the development causes the level of service on
15 a locally owned transportation facility to decline below the standards
16 adopted in the transportation element of the comprehensive plan, unless
17 transportation improvements or strategies to accommodate the impacts of
18 development are made concurrent with the development. These strategies
19 may include increased public transportation service, ride sharing
20 programs, demand management, and other transportation systems
21 management strategies. For the purposes of this subsection (6)
22 "concurrent with the development" shall mean that improvements or
23 strategies are in place at the time of development, or that a financial
24 commitment is in place to complete the improvements or strategies
25 within six years.

26 (c) The transportation element described in this subsection (6),
27 and the six-year plans required by RCW 35.77.010 for cities, RCW
28 36.81.121 for counties, and RCW 35.58.2795 for public transportation
29 systems, and the ten-year plan required by RCW 47.05.030 for the state,
30 must be consistent.

31 (7) An economic development element establishing local goals,
32 policies, objectives, and provisions for economic growth and vitality
33 and a high quality of life. The element shall include: (a) A summary
34 of the local economy such as population, employment, payroll, sectors,
35 businesses, sales, and other information as appropriate; (b) a summary
36 of the strengths and weaknesses of the local economy defined as the
37 commercial and industrial sectors and supporting factors such as land
38 use, transportation, utilities, education, work force, housing, and

1 natural/cultural resources; and (c) an identification of policies,
2 programs, and projects to foster economic growth and development and to
3 address future needs. A city that has chosen to be a residential
4 community is exempt from the economic development element requirement
5 of this subsection.

6 (8) A park and recreation element that implements, and is
7 consistent with, the capital facilities plan element as it relates to
8 park and recreation facilities. The element shall include: (a)
9 Estimates of park and recreation demand for at least a ten-year period;
10 (b) an evaluation of facilities and service needs; and (c) an
11 evaluation of intergovernmental coordination opportunities to provide
12 regional approaches for meeting park and recreational demand.

13 (9) It is the intent that new or amended elements required after
14 January 1, 2002, be adopted concurrent with the scheduled update
15 provided in RCW 36.70A.130. Requirements to incorporate any such new
16 or amended elements shall be null and void until funds sufficient to
17 cover applicable local government costs are appropriated and
18 distributed by the state at least two years before local government
19 must update comprehensive plans as required in RCW 36.70A.130.

20 **Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each
21 amended to read as follows:

22 A comprehensive plan should provide for innovative land use
23 management techniques, including, but not limited to, density bonuses,
24 cluster housing, planned unit developments, zoning for mixed use
25 development, accessory dwelling units, impact fee waivers for
26 affordable housing projects, priority review for affordable housing
27 projects, and the transfer of development rights. If it is determined
28 that the comprehensive plan or development regulations of any city,
29 town, or county planning under RCW 36.70A.040 does not provide
30 sufficient land suitable for development or densities to accommodate
31 its projected housing and employment growth, as adopted in the
32 applicable countywide planning policies and consistent with the twenty-
33 year population forecast from the office of financial management, the
34 adoption of innovative land use management techniques shall be
35 mandatory.

1 **Sec. 3.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
2 as follows:

3 (1) Each county that is required or chooses to plan under RCW
4 36.70A.040 shall designate an urban growth area or areas within which
5 urban growth shall be encouraged and outside of which growth can occur
6 only if it is not urban in nature. Each city that is located in such
7 a county shall be included within an urban growth area. An urban
8 growth area may include more than a single city. An urban growth area
9 may include territory that is located outside of a city only if such
10 territory already is characterized by urban growth whether or not the
11 urban growth area includes a city, or is adjacent to territory already
12 characterized by urban growth, or is a designated new fully contained
13 community as defined by RCW 36.70A.350.

14 (2) Based upon the growth management population projection made for
15 the county by the office of financial management, the county and each
16 city within the county shall (~~include areas and densities sufficient~~
17 ~~to permit~~) identify within urban growth areas a sufficient quantity of
18 land suitable for development to accommodate the urban growth that is
19 projected to occur in the county or city at the densities indicated in
20 the land use element under RCW 36.70A.070 for the succeeding twenty-
21 year period, except for those urban growth areas contained totally
22 within a national historical reserve.

23 Each urban growth area shall permit urban densities and shall
24 include greenbelt and open space areas. In the case of urban growth
25 areas contained totally within a national historical reserve, the city
26 may restrict densities, intensities, and forms of urban growth as
27 determined to be necessary and appropriate to protect the physical,
28 cultural, or historic integrity of the reserve. An urban growth area
29 determination (~~may~~) and any subsequent revision to an urban growth
30 area under RCW 36.70A.130 shall include a reasonable land market supply
31 factor and shall permit a range of urban densities and uses. In
32 determining this market factor, cities and counties may consider local
33 circumstances. Cities and counties have discretion in their
34 comprehensive plans to make many choices about accommodating growth.

35 Within one year of July 1, 1990, each county that as of June 1,
36 1991, was required or chose to plan under RCW 36.70A.040, shall begin
37 consulting with each city located within its boundaries and each city
38 shall propose the location of an urban growth area. Within sixty days

1 of the date the county legislative authority of a county adopts its
2 resolution of intention or of certification by the office of financial
3 management, all other counties that are required or choose to plan
4 under RCW 36.70A.040 shall begin this consultation with each city
5 located within its boundaries. The county shall attempt to reach
6 agreement with each city on the location of an urban growth area within
7 which the city is located. If such an agreement is not reached with
8 each city located within the urban growth area, the county shall
9 justify in writing why it so designated the area an urban growth area.
10 A city may object formally with the department over the designation of
11 the urban growth area within which it is located. Where appropriate,
12 the department shall attempt to resolve the conflicts, including the
13 use of mediation services.

14 (3) Urban growth should be located first in areas already
15 characterized by urban growth that have adequate existing public
16 facility and service capacities to serve such development, second in
17 areas already characterized by urban growth that will be served
18 adequately by a combination of both existing public facilities and
19 services and any additional needed public facilities and services that
20 are provided by either public or private sources, and third in the
21 remaining portions of the urban growth areas. Urban growth may also be
22 located in designated new fully contained communities as defined by RCW
23 36.70A.350.

24 (4) In general, cities are the units of local government most
25 appropriate to provide urban governmental services. In general, it is
26 not appropriate that urban governmental services be extended to or
27 expanded in rural areas except in those limited circumstances shown to
28 be necessary to protect basic public health and safety and the
29 environment and when such services are financially supportable at rural
30 densities and do not permit urban development.

31 (5) On or before October 1, 1993, each county that was initially
32 required to plan under RCW 36.70A.040(1) shall adopt development
33 regulations designating interim urban growth areas under this chapter.
34 Within three years and three months of the date the county legislative
35 authority of a county adopts its resolution of intention or of
36 certification by the office of financial management, all other counties
37 that are required or choose to plan under RCW 36.70A.040 shall adopt
38 development regulations designating interim urban growth areas under

1 this chapter. Adoption of the interim urban growth areas may only
2 occur after public notice; public hearing; and compliance with the
3 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
4 Such action may be appealed to the appropriate growth management
5 hearings board under RCW 36.70A.280. Final urban growth areas shall be
6 adopted at the time of comprehensive plan adoption under this chapter.

7 (6) Each county shall include designations of urban growth areas in
8 its comprehensive plan.

9 (7) An urban growth area designated in accordance with this section
10 may include within its boundaries urban service areas or potential
11 annexation areas designated for specific cities or towns within the
12 county.

13 (8) Within each county, or between two counties, there may be one
14 or more subregional areas where the housing and job markets cross
15 jurisdictional limits of a number of adjacent local governments. In
16 these subregional areas, cities and counties may use an optional
17 process to establish a subregion of adjacent cities and counties that
18 would be the basis for ensuring a balance of jobs and housing within
19 that subregion. The subregion, through an interlocal agreement under
20 chapter 39.34 RCW, would identify how best to accommodate the office of
21 financial management's projected growth targets for those jurisdictions
22 within the subregion. The growth target would be established for
23 participating jurisdictions using existing processes to establish the
24 subregion target. The interlocal agreement would identify the adjusted
25 and agreed upon growth target for each of the participating
26 jurisdictions. Each county shall ensure that countywide planning
27 policies are amended to include this option within one year of the
28 effective date of this section.

29 **Sec. 4.** RCW 36.70A.115 and 2003 c 333 s 1 are each amended to read
30 as follows:

31 Counties and cities that are required or choose to plan under RCW
32 36.70A.040 shall ensure that, taken collectively, adoption of and
33 amendments to their comprehensive plans and/or development regulations
34 provide sufficient capacity of land suitable for development within
35 their jurisdictions to accommodate their allocated housing and
36 employment growth, as adopted in the applicable countywide planning
37 policies and consistent with the twenty-year population forecast from

1 the office of financial management. When land use regulations are
2 adopted that reduce a local jurisdiction's capacity to accommodate
3 their allocated housing and employment growth, the jurisdiction shall
4 recapture that reduced capacity.

5 **Sec. 5.** RCW 36.70A.130 and 2006 c 285 s 2 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. Except as otherwise provided, a county or city
10 shall take legislative action to review and, if needed, revise its
11 comprehensive land use plan and development regulations to ensure the
12 plan and regulations comply with the requirements of this chapter
13 according to the time periods specified in subsection (4) of this
14 section.

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

26 (c) The review and evaluation required by this subsection may be
27 combined with the review required by subsection (3) of this section.
28 The review and evaluation required by this subsection shall include,
29 but is not limited to, consideration of critical area ordinances and,
30 if planning under RCW 36.70A.040, an analysis of the population
31 allocated to a city or county from the most recent ten-year population
32 forecast by the office of financial management, including adjustments
33 to the comprehensive plan and development regulations, as necessary, to
34 ensure that sufficient capacity of land suitable for development within
35 their jurisdiction is available to accommodate the projected population
36 growth target. The review required by this subsection may be combined

1 with the review and evaluation required by RCW 36.70A.215 and, if
2 applicable, shall include adoption of reasonable measures identified to
3 accommodate the projected population growth target.

4 (d) Any amendment of or revision to a comprehensive land use plan
5 shall conform to this chapter. Any amendment of or revision to
6 development regulations shall be consistent with and implement the
7 comprehensive plan. Counties and cities that are required or choose to
8 plan under RCW 36.70A.040 shall ensure that adoption of and amendments
9 to their comprehensive plans and development regulations provide
10 sufficient capacity of land suitable for development or densities
11 within their jurisdictions to accommodate their allocated housing and
12 employment growth, as adopted in the applicable countywide planning
13 policies and consistent with the twenty-year population forecast from
14 the office of financial management. When actions are taken that reduce
15 capacity to accommodate planned growth, the jurisdiction shall adopt
16 reasonable measures to increase the capacity lost by the actions.

17 (2)(a) Each county and city shall establish and broadly disseminate
18 to the public a public participation program consistent with RCW
19 36.70A.035 and 36.70A.140 that identifies procedures and schedules
20 whereby updates, proposed amendments, or revisions of the comprehensive
21 plan are considered by the governing body of the county or city no more
22 frequently than once every year. "Updates" means to review and revise,
23 if needed, according to subsection (1) of this section, and the time
24 periods specified in subsection (4) of this section or in accordance
25 with the provisions of subsections (5) and (8) of this section.
26 Amendments may be considered more frequently than once per year under
27 the following circumstances:

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

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

32 (iii) The amendment of the capital facilities element of a
33 comprehensive plan that occurs concurrently with the adoption or
34 amendment of a county or city budget;

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

1 (v) The adoption of comprehensive plan amendments necessary to
2 enact a planned action under RCW 43.21C.031(2), provided that
3 amendments are considered in accordance with the public participation
4 program established by the county or city under this subsection (2)(a)
5 and all persons who have requested notice of a comprehensive plan
6 update are given notice of the amendments and an opportunity to
7 comment.

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

16 (3)(a) In conjunction with the review of comprehensive plans and
17 development regulations provided for in subsection (1) of this section,
18 each county that designates urban growth areas under RCW 36.70A.110
19 shall review, ((at least every ten years)) according to the time
20 periods specified in subsection (4) of this section, its designated
21 urban growth area or areas, and the densities permitted within both the
22 incorporated and unincorporated portions of each urban growth area. In
23 conjunction with this review by the county, each city located within an
24 urban growth area shall review the densities permitted within its
25 boundaries, and the extent to which the urban growth occurring within
26 the county has located within each city and the unincorporated portions
27 of the urban growth areas.

28 (b) The county comprehensive plan designating urban growth areas,
29 and the densities permitted in the urban growth areas by the
30 comprehensive plans of the county and each city located within the
31 urban growth areas, shall be revised to ensure a quantity of land
32 suitable for development that is sufficient to accommodate the urban
33 growth projected to occur in the county for the succeeding twenty-year
34 period. The revised urban growth area determination shall include a
35 reasonable land market supply factor and shall permit a range of urban
36 densities and uses. The review required by this subsection may be
37 combined with the review and evaluation required by RCW 36.70A.215 and,

1 if applicable, shall include adoption of reasonable measures identified
2 to accommodate the projected population growth target.

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~~) five years
11 thereafter, for (~~Clallam~~) Clark, (~~Jefferson~~) King, Kitsap,
12 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within
13 those counties;

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

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

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

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

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

1 than seventeen percent in the ten years preceding the date established
2 in the applicable schedule as of that date.

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

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

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

26 (7) The requirements imposed on counties and cities under this
27 section shall be considered "requirements of this chapter" under the
28 terms of RCW 36.70A.040(1). Only those counties and cities: (a)
29 Complying with the schedules in this section; (b) demonstrating
30 substantial progress towards compliance with the schedules in this
31 section for development regulations that protect critical areas; or (c)
32 complying with the extension provisions of subsection (5)(b) or (c) of
33 this section may receive grants, loans, pledges, or financial
34 guarantees from those accounts established in RCW 43.155.050 and
35 70.146.030. A county or city that is fewer than twelve months out of
36 compliance with the schedules in this section for development
37 regulations that protect critical areas is making substantial progress

1 towards compliance. Only those counties and cities in compliance with
2 the schedules in this section may receive preference for grants or
3 loans subject to the provisions of RCW 43.17.250.

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

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

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

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

22 (9) Notwithstanding subsection (8) of this section and the
23 substantial progress provisions of subsections (7) and (10) of this
24 section, only those counties and cities complying with the schedule in
25 subsection (4) of this section, or the extension provisions of
26 subsection (5)(b) or (c) of this section, may receive preferences for
27 grants, loans, pledges, or financial guarantees from those accounts
28 established in RCW 43.155.050 and 70.146.030.

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

1 section for its comprehensive land use plan and development regulations
2 is deemed to be making substantial progress towards compliance.

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