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HOUSE BILL 2992

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Simpson, Kenney, and Springer; by request of Washington State Department of Commerce and Department of Ecology

Read first time 01/19/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to extending the deadlines for the review and  
2 evaluation of comprehensive land use plan and development regulations  
3 for three years; and amending RCW 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.130 and 2009 c 479 s 23 are each amended to  
6 read 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~~) deadlines in subsections  
14 (4) and (5) of this 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

1 chapter according to the ~~((time periods specified))~~ deadlines in  
2 subsections (4) and (5) of this section. Legislative action means the  
3 adoption of a resolution or ordinance following notice and a public  
4 hearing indicating at a minimum, a finding that a review and evaluation  
5 has occurred and identifying the revisions made, or that a revision was  
6 not needed and the reasons therefor.

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

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

18 (2)(a) Each county and city shall establish and broadly disseminate  
19 to the public a public participation program consistent with RCW  
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
21 whereby updates, proposed amendments, or revisions of the comprehensive  
22 plan are considered by the governing body of the county or city no more  
23 frequently than once every year. "Updates" means to review and revise,  
24 if needed, according to subsection (1) of this section, and the ~~((time~~  
25 ~~periods specified))~~ deadlines in subsections (4) and (5) of this  
26 section or in accordance with the provisions of subsection ~~((s (5) and~~  
27 ~~(8)))~~ (6) of this section. Amendments may be considered more  
28 frequently than once per year under the following circumstances:

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

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

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

36 (iv) ~~((Until June 30, 2006, the designation of recreational lands~~  
37 ~~under RCW 36.70A.1701. A county amending its comprehensive plan~~

1 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~  
2 ~~than every eighteen months; and~~

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

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

18 (3)(a) Each county that designates urban growth areas under RCW  
19 36.70A.110 shall review, at least every ten years, its designated urban  
20 growth area or areas, and the densities permitted within both the  
21 incorporated and unincorporated portions of each urban growth area. In  
22 conjunction with this review by the county, each city located within an  
23 urban growth area shall review the densities permitted within its  
24 boundaries, and the extent to which the urban growth occurring within  
25 the county has located within each city and the unincorporated portions  
26 of the urban growth areas.

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

34 (4) (~~The department shall establish a schedule for~~) Except as  
35 provided in subsection (6) of this section, counties and cities (~~to~~)  
36 shall take action to review and, if needed, revise their comprehensive  
37 plans and development regulations to ensure the plan and regulations  
38 comply with the requirements of this chapter(~~. Except as provided in~~

1 ~~subsections (5) and (8) of this section, the schedule established by~~  
2 ~~the department shall provide for the reviews and evaluations to be~~  
3 ~~completed)) as follows:~~

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

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

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

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

19 (5) Except as otherwise provided in subsection (6) of this section,  
20 following the review of comprehensive plans and development regulations  
21 required by subsection (4) of this section, counties and cities shall  
22 take action to review and, if needed, revise their comprehensive plans  
23 and development regulations to ensure the plan and regulations comply  
24 with the requirements of this chapter as follows:

25 (a) On or before December 1, 2014, and every seven years  
26 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
27 Snohomish, Thurston, and Whatcom counties and the cities within those  
28 counties;

29 (b) On or before December 1, 2015, and every seven years  
30 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
31 Skamania counties and the cities within those counties;

32 (c) On or before December 1, 2016, and every seven years  
33 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
34 Yakima counties and the cities within those counties; and

35 (d) On or before December 1, 2017, and every seven years  
36 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
37 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,

1 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
2 within those counties.

3 (6)(a) Nothing in this section precludes a county or city from  
4 conducting the review and evaluation required by this section before  
5 the ~~((time limits))~~ deadlines established in subsections (4) and (5) of  
6 this section. Counties and cities may begin this process early and may  
7 be eligible for grants from the department, subject to available  
8 funding, if they elect to do so.

9 (b) A county that is subject to a ~~((schedule))~~ deadline established  
10 ~~((by the department under))~~ in subsection (4)(b) through (d) of this  
11 section and meets the following criteria may comply with the  
12 requirements of this section at any time within the thirty-six months  
13 following the ~~((date))~~ deadline established in ~~((the applicable~~  
14 ~~schedule))~~ subsection (4) of this section: The county has a population  
15 of less than fifty thousand and has had its population increase by no  
16 more than seventeen percent in the ten years preceding the ~~((date))~~  
17 deadline established in ~~((the applicable schedule))~~ subsection (4) of  
18 this section as of that date.

19 (c) A city that is subject to ~~((a schedule established by the~~  
20 ~~department under))~~ a deadline established in subsection (4)(b) through  
21 (d) of this section and meets the following criteria may comply with  
22 the requirements of this section at any time within the thirty-six  
23 months following the ~~((date))~~ deadline established in ~~((the applicable~~  
24 ~~schedule))~~ subsection (4) of this section: The city has a population  
25 of no more than five thousand and has had its population increase by  
26 the greater of either no more than one hundred persons or no more than  
27 seventeen percent in the ten years preceding the ~~((date))~~ deadline  
28 established in ~~((the applicable schedule))~~ subsection (4) of this  
29 section as of that date.

30 (d) A county or city that is subject to a deadline established in  
31 subsection (4)(d) of this section and that meets the criteria  
32 established in subsection (6)(b) or (c) of this section may comply with  
33 the requirements of subsection (4)(d) of this section at any time  
34 within the thirty-six months after the extension provided in subsection  
35 (6)(b) or (c) of this section.

36 (e) State agencies are encouraged to provide technical assistance  
37 to the counties and cities in the review of critical area ordinances,  
38 comprehensive plans, and development regulations.

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

12       (7)(a) The requirements imposed on counties and cities under this  
13 section shall be considered "requirements of this chapter" under the  
14 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
15 the following criteria may receive grants, loans, pledges, or financial  
16 guarantees under chapter 43.155 or 70.146 RCW:

17       ~~((a))~~ (i) Complying with the ~~((schedules))~~ deadlines in this  
18 section;

19       ~~((b))~~ (ii) Demonstrating substantial progress towards compliance  
20 with the schedules in this section for development regulations that  
21 protect critical areas; or

22       ~~((c))~~ (iii) Complying with the extension provisions of subsection  
23 ~~((5))~~ (6)(b) ~~((or))~~, (c), or (d) of this section ~~((may receive~~  
24 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~  
25 ~~70.146 RCW)).~~

26       (b) A county or city that is fewer than twelve months out of  
27 compliance with the schedules in this section for development  
28 regulations that protect critical areas is making substantial progress  
29 towards compliance. Only those counties and cities in compliance with  
30 the schedules in this section may receive preference for grants or  
31 loans subject to the provisions of RCW 43.17.250.

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

34       ~~(a) Counties and cities required to satisfy the requirements of~~  
35 ~~this section according to the schedule established by subsection (4)(b)~~  
36 ~~through (d) of this section may comply with the requirements of this~~  
37 ~~section for development regulations that protect critical areas one~~

1 ~~year after the dates established in subsection (4)(b) through (d) of~~  
2 ~~this section;~~

3 ~~(b) Counties and cities complying with the requirements of this~~  
4 ~~section one year after the dates established in subsection (4)(b)~~  
5 ~~through (d) of this section for development regulations that protect~~  
6 ~~critical areas shall be deemed in compliance with the requirements of~~  
7 ~~this section; and~~

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

13 ~~(9) Notwithstanding subsection (8) of this section and the~~  
14 ~~substantial progress provisions of subsections (7) and (10) of this~~  
15 ~~section, only those counties and cities complying with the schedule in~~  
16 ~~subsection (4) of this section, or the extension provisions of~~  
17 ~~subsection (5)(b) or (c) of this section, may receive preferences for~~  
18 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~  
19 ~~70.146 RCW.~~

20 ~~(10) Until December 1, 2005, and notwithstanding subsection (7) of~~  
21 ~~this section, a county or city subject to the time periods in~~  
22 ~~subsection (4)(a) of this section demonstrating substantial progress~~  
23 ~~towards compliance with the schedules in this section for its~~  
24 ~~comprehensive land use plan and development regulations may receive~~  
25 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~  
26 ~~70.146 RCW. A county or city that is fewer than twelve months out of~~  
27 ~~compliance with the schedules in this section for its comprehensive~~  
28 ~~land use plan and development regulations is deemed to be making~~  
29 ~~substantial progress towards compliance.)~~

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