

---

HOUSE BILL 2742

---

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Klippert, Haler, Taylor, Ross, Nealey, Rodne, Shea, Kristiansen, Chandler, Hinkle, Walsh, Johnson, Angel, and Fagan

Read first time 01/30/12. Referred to Committee on Local Government.

1 AN ACT Relating to urban growth area boundary modifications for  
2 industrial land; reenacting and amending RCW 36.70A.130; and adding a  
3 new section to chapter 36.70A RCW.

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

5 **Sec. 1.** RCW 36.70A.130 and 2011 c 360 s 16 and 2011 c 353 s 2 are  
6 each reenacted and amended to 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 deadlines in subsections (4) and (5) of this 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 deadlines in subsections (4) and (5) of this

1 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 shall  
7 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 (d) 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, except that the program shall provide  
21 for consideration of amendments of an urban growth area in accordance  
22 with section 2 of this act once every year. "Updates" means to review  
23 and revise, if needed, according to subsection (1) of this section, and  
24 the deadlines in subsections (4) and (5) of this section or in  
25 accordance with the provisions of subsection (6) 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. Subarea plans adopted  
29 under this subsection (2)(a)(i) must clarify, supplement, or implement  
30 jurisdiction-wide comprehensive plan policies, and may only be adopted  
31 if the cumulative impacts of the proposed plan are addressed by  
32 appropriate environmental review under chapter 43.21C RCW;

33 (ii) The development of an initial subarea plan for economic  
34 development located outside of the one hundred year floodplain in a  
35 county that has completed a state-funded pilot project that is based on  
36 watershed characterization and local habitat assessment;

37 (iii) The adoption or amendment of a shoreline master program under  
38 the procedures set forth in chapter 90.58 RCW;

1 (iv) The amendment of the capital facilities element of a  
2 comprehensive plan that occurs concurrently with the adoption or  
3 amendment of a county or city budget; or

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

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

19 (3)(a) Each county that designates urban growth areas under RCW  
20 36.70A.110 shall review, according to the schedules established in  
21 subsection (5) of this section, its designated urban growth area or  
22 areas, and the densities permitted within both the incorporated and  
23 unincorporated portions of each urban growth area. In conjunction with  
24 this review by the county, each city located within an urban growth  
25 area shall review the densities permitted within its boundaries, and  
26 the extent to which the urban growth occurring within the county has  
27 located within each city and the unincorporated portions of the urban  
28 growth areas.

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

36 (4) Except as provided in subsection (6) of this section, counties  
37 and cities shall take action to review and, if needed, revise their

1 comprehensive plans and development regulations to ensure the plan and  
2 regulations comply with the requirements of this chapter as follows:

3 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,  
4 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the  
5 cities within those counties;

6 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,  
7 Mason, San Juan, Skagit, and Skamania counties and the cities within  
8 those counties;

9 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,  
10 Grant, Kittitas, Spokane, and Yakima counties and the cities within  
11 those counties; and

12 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,  
13 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,  
14 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman  
15 counties and the cities within those counties.

16 (5) Except as otherwise provided in subsections (6) and (8) of this  
17 section, following the review of comprehensive plans and development  
18 regulations required by subsection (4) of this section, counties and  
19 cities shall take action to review and, if needed, revise their  
20 comprehensive plans and development regulations to ensure the plan and  
21 regulations comply with the requirements of this chapter as follows:

22 (a) On or before June 30, 2015, and every eight years thereafter,  
23 for King, Pierce, and Snohomish counties and the cities within those  
24 counties;

25 (b) On or before June 30, 2016, and every eight years thereafter,  
26 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,  
27 Thurston, and Whatcom counties and the cities within those counties;

28 (c) On or before June 30, 2017, and every eight years thereafter,  
29 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,  
30 Spokane, and Yakima counties and the cities within those counties; and

31 (d) On or before June 30, 2018, and every eight years thereafter,  
32 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays  
33 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,  
34 Wahkiakum, Walla Walla, and Whitman counties and the cities within  
35 those counties.

36 (6)(a) Nothing in this section precludes a county or city from  
37 conducting the review and evaluation required by this section before  
38 the deadlines established in subsections (4) and (5) of this section.

1 Counties and cities may begin this process early and may be eligible  
2 for grants from the department, subject to available funding, if they  
3 elect to do so.

4 (b) A county that is subject to a deadline established in  
5 subsection (4)(b) through (d) of this section and meets the following  
6 criteria may comply with the requirements of this section at any time  
7 within the thirty-six months following the deadline established in  
8 subsection (4) of this section: The county has a population of less  
9 than fifty thousand and has had its population increase by no more than  
10 seventeen percent in the ten years preceding the deadline established  
11 in subsection (4) of this section as of that date.

12 (c) A city that is subject to a deadline established in subsection  
13 (4)(b) through (d) of this section and meets the following criteria may  
14 comply with the requirements of this section at any time within the  
15 thirty-six months following the deadline established in subsection (4)  
16 of this section: The city has a population of no more than five  
17 thousand and has had its population increase by the greater of either  
18 no more than one hundred persons or no more than seventeen percent in  
19 the ten years preceding the deadline established in subsection (4) of  
20 this section as of that date.

21 (d) A county or city that is subject to a deadline established in  
22 subsection (4)(d) of this section and that meets the criteria  
23 established in ~~((subsection—(6+))~~(b) or (c) of this ~~((section))~~  
24 subsection may comply with the requirements of subsection (4)(d) of  
25 this section at any time within the thirty-six months after the  
26 extension provided in ~~((subsection—(6+))~~(b) or (c) of this ~~((section))~~  
27 subsection.

28 (e) A county that is subject to a deadline established in  
29 subsection (5)(b) through (d) of this section and meets the following  
30 criteria may comply with the requirements of this section at any time  
31 within the twenty-four months following the deadline established in  
32 subsection (5) of this section: The county has a population of less  
33 than fifty thousand and has had its population increase by no more than  
34 seventeen percent in the ten years preceding the deadline established  
35 in subsection (5) of this section as of that date.

36 (f) A city that is subject to a deadline established in subsection  
37 (5)(b) through (d) of this section and meets the following criteria may  
38 comply with the requirements of this section at any time within the

1 twenty-four months following the deadline established in subsection (5)  
2 of this section: The city has a population of no more than five  
3 thousand and has had its population increase by the greater of either  
4 no more than one hundred persons or no more than seventeen percent in  
5 the ten years preceding the deadline established in subsection (5) of  
6 this section as of that date.

7 (g) State agencies are encouraged to provide technical assistance  
8 to the counties and cities in the review of critical area ordinances,  
9 comprehensive plans, and development regulations.

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

15 (i) Complying with the deadlines in this section;

16 (ii) Demonstrating substantial progress towards compliance with the  
17 schedules in this section for development regulations that protect  
18 critical areas; or

19 (iii) Complying with the extension provisions of subsection (6)(b),  
20 (c), or (d) of this section.

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

27 (8)(a) Except as otherwise provided in (c) of this subsection, if  
28 a participating watershed is achieving benchmarks and goals for the  
29 protection of critical areas functions and values, the county is not  
30 required to update development regulations to protect critical areas as  
31 they specifically apply to agricultural activities in that watershed.

32 (b) A county that has made the election under RCW 36.70A.710(1) may  
33 only adopt or amend development regulations to protect critical areas  
34 as they specifically apply to agricultural activities in a  
35 participating watershed if:

36 (i) A work plan has been approved for that watershed in accordance  
37 with RCW 36.70A.725;

1 (ii) The local watershed group for that watershed has requested the  
2 county to adopt or amend development regulations as part of a work plan  
3 developed under RCW 36.70A.720;

4 (iii) The adoption or amendment of the development regulations is  
5 necessary to enable the county to respond to an order of the growth  
6 management hearings board or court;

7 (iv) The adoption or amendment of development regulations is  
8 necessary to address a threat to human health or safety; or

9 (v) Three or more years have elapsed since the receipt of funding.

10 (c) Beginning ten years from the date of receipt of funding, a  
11 county that has made the election under RCW 36.70A.710(1) must review  
12 and, if necessary, revise development regulations to protect critical  
13 areas as they specifically apply to agricultural activities in a  
14 participating watershed in accordance with the review and revision  
15 requirements and timeline in subsection (5) of this section. This  
16 subsection (8)(c) does not apply to a participating watershed that has  
17 determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals  
18 and benchmarks for protection have been met.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
20 to read as follows:

21 (1) The legislative authority of a city planning under RCW  
22 36.70A.040 may request, as part of the county's annual comprehensive  
23 plan amendment process, that the applicable county legislative  
24 authority amend the urban growth area within which the city is located.  
25 Any such request must meet the county's application deadline for that  
26 year. A determination to honor, modify, or reject a request under this  
27 section must be issued by the county, as part of the county's annual  
28 comprehensive plan amendment process.

29 (2) Urban growth area amendment requests under this subsection:

30 (a) May only occur in counties located east of the crest of the  
31 Cascade mountain range that have more than one hundred thousand  
32 residents;

33 (b) Must be for the purpose of increasing the amount of territory  
34 within the amended urban growth area that is zoned for industrial  
35 purposes;

36 (c) May not increase the amount of territory within the amended  
37 urban growth area by an amount exceeding seven percent of the total

1 area within the requesting city. Land area determinations under this  
2 subsection (2)(c) must be made on a per occurrence, noncumulative  
3 basis;

4 (d) Must be preceded by a completed development proposal and phased  
5 master plan for the area to which the amendment applies; and

6 (e) Are null and void if the applicable development proposal has  
7 not been wholly or partially implemented within five years of the  
8 amendment, or if the area to which the amendment applies has not been  
9 annexed within five years of the amendment.

10 (3) Nothing in this section limits or otherwise modifies the  
11 authority of counties and cities to enter into interlocal agreements  
12 under chapter 39.34 RCW for planning costs incurred by a county in  
13 accordance with a request under this section.

--- END ---