
SUBSTITUTE SENATE BILL 5995

State of Washington

62nd Legislature

2012 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Delvin and Hewitt)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to urban growth area boundary modifications for
2 industrial land by certain counties; reenacting and amending RCW
3 36.70A.130; adding a new section to chapter 36.70A RCW; and providing
4 an expiration date.

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

6 **Sec. 1.** RCW 36.70A.130 and 2011 c 360 s 16 and 2011 c 353 s 2 are
7 each reenacted and amended to read as follows:

8 (1)(a) Each comprehensive land use plan and development regulations
9 shall be subject to continuing review and evaluation by the county or
10 city that adopted them. Except as otherwise provided, a county or city
11 shall take legislative action to review and, if needed, revise its
12 comprehensive land use plan and development regulations to ensure the
13 plan and regulations comply with the requirements of this chapter
14 according to the deadlines in subsections (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 deadlines in subsections (4) and (5) of this
2 section. Legislative action means the adoption of a resolution or
3 ordinance following notice and a public hearing indicating at a
4 minimum, a finding that a review and evaluation has occurred and
5 identifying the revisions made, or that a revision was not needed and
6 the reasons therefor.

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

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

16 (2)(a) Each county and city shall establish and broadly disseminate
17 to the public a public participation program consistent with RCW
18 36.70A.035 and 36.70A.140 that identifies procedures and schedules
19 whereby updates, proposed amendments, or revisions of the comprehensive
20 plan are considered by the governing body of the county or city no more
21 frequently than once every year, except that, until December 31, 2015,
22 the program shall provide for consideration of amendments of an urban
23 growth area in accordance with section 2 of this act once every year.

24 "Updates" means to review and revise, if needed, according to
25 subsection (1) of this section, and the deadlines in subsections (4)
26 and (5) of this section or in accordance with the provisions of
27 subsection (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. Subarea plans adopted
30 under this subsection (2)(a)(i) must clarify, supplement, or implement
31 jurisdiction-wide comprehensive plan policies, and may only be adopted
32 if the cumulative impacts of the proposed plan are addressed by
33 appropriate environmental review under chapter 43.21C RCW;

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

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

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

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

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

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

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

1 (4) Except as provided in subsection (6) of this section, counties
2 and cities shall take action to review and, if needed, revise their
3 comprehensive plans and development regulations to ensure the plan and
4 regulations comply with the requirements of this chapter as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (a) May only occur in counties located east of the crest of the
34 Cascade mountain range that have more than one hundred thousand and
35 fewer than one hundred eighty thousand residents;

36 (b) Must be for the purpose of increasing the amount of territory
37 within the amended urban growth area that is zoned for industrial

1 purposes and the additional land is needed to meet the city's and
2 county's documented needs for additional industrial land to serve their
3 planned population growth;

4 (c) May not increase the amount of territory within the amended
5 urban growth area by an amount exceeding seven percent of the total
6 area within the requesting city. Land area determinations under this
7 subsection (2)(c) must be made on a per occurrence, noncumulative
8 basis;

9 (d) Must be preceded by a completed development proposal and phased
10 master plan for the area to which the amendment applies and a capital
11 facilities plan with identified funding sources to provide the public
12 facilities and services needed to serve the area; and

13 (e) Are null and void if the applicable development proposal has
14 not been wholly or partially implemented within five years of the
15 amendment, or if the area to which the amendment applies has not been
16 annexed within five years of the amendment.

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

21 (4) This section expires December 31, 2015.

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