
SENATE BILL 5995

State of Washington 62nd Legislature 2011 2nd Special Session

By Senators Delvin and Hewitt

Read first time 12/14/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

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. "Updates" means to review and revise,
21 if needed, according to subsection (1) of this section, and the
22 deadlines in subsections (4) and (5) of this section or in accordance
23 with the provisions of subsection (6) of this section. Amendments may
24 be considered more frequently than once per year under the following
25 circumstances:

26 (i) The initial adoption of a subarea plan. Subarea plans adopted
27 under this subsection (2)(a)(i) must clarify, supplement, or implement
28 jurisdiction-wide comprehensive plan policies, and may only be adopted
29 if the cumulative impacts of the proposed plan are addressed by
30 appropriate environmental review under chapter 43.21C RCW;

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

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

37 (iv) The amendment of the capital facilities element of a

1 comprehensive plan that occurs concurrently with the adoption or
2 amendment of a county or city budget; (~~or~~)

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; or

10 (vii) The amendment of an urban growth area in accordance with
11 section 2 of this act.

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

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

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

37 (4) Except as provided in subsection (6) of this section, counties

1 and cities shall take action to review and, if needed, revise their
2 comprehensive plans and development regulations to ensure the plan and
3 regulations comply with the requirements of this chapter as follows:

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

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

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

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

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

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

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

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

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

37 (6)(a) Nothing in this section precludes a county or city from
38 conducting the review and evaluation required by this section before

1 the deadlines established in subsections (4) and (5) of this section.
2 Counties and cities may begin this process early and may be eligible
3 for grants from the department, subject to available funding, if they
4 elect to do so.

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

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

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

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 that the applicable county legislative authority
23 amend the urban growth area within which the city is located. A
24 determination to honor, modify, or reject a request under this section
25 must be issued by the county within one hundred twenty days of receipt
26 of the request.

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

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

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

34 (c) May not increase the amount of territory within the amended
35 urban growth area by an amount exceeding seven percent of the total
36 area within the requesting city. Land area determinations under this

1 subsection (2)(c) must be made on a per occurrence, noncumulative
2 basis;

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

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

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

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