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HOUSE BILL 1089

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Appleton and Fitzgibbon

Read first time 01/11/17. Referred to Committee on Environment.

1            AN ACT Relating to amending the schedule for updates to the  
2 comprehensive plan of Kitsap county that are required under the  
3 growth management act to match the update schedules of other central  
4 Puget Sound counties; and amending RCW 36.70A.130.

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

6            **Sec. 1.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to  
7 read as follows:

8            (1)(a) Each comprehensive land use plan and development  
9 regulations shall be subject to continuing review and evaluation by  
10 the county or city that adopted them. Except as otherwise provided, a  
11 county or city shall take legislative action to review and, if  
12 needed, revise its comprehensive land use plan and development  
13 regulations to ensure the plan and regulations comply with the  
14 requirements of this chapter according to the deadlines in  
15 subsections (4) and (5) of this section.

16            (b) Except as otherwise provided, a county or city not planning  
17 under RCW 36.70A.040 shall take action to review and, if needed,  
18 revise its policies and development regulations regarding critical  
19 areas and natural resource lands adopted according to this chapter to  
20 ensure these policies and regulations comply with the requirements of  
21 this chapter according to the deadlines in subsections (4) and (5) of

1 this section. Legislative action means the adoption of a resolution  
2 or 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-  
10 year 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  
16 disseminate to the public a public participation program consistent  
17 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
18 schedules whereby updates, proposed amendments, or revisions of the  
19 comprehensive plan are considered by the governing body of the county  
20 or city no more frequently than once every year, except that, until  
21 December 31, 2015, the program shall provide for consideration of  
22 amendments of an urban growth area in accordance with RCW 36.70A.1301  
23 once every year. "Updates" means to review and revise, if needed,  
24 according to subsection (1) of this section, and the deadlines in  
25 subsections (4) and (5) of this section or in accordance with the  
26 provisions of subsection (6) of this section. Amendments may be  
27 considered more frequently than once per year under the following  
28 circumstances:

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

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

39 (iii) The adoption or amendment of a shoreline master program  
40 under 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))~~) 43.21C.440,  
6 provided that amendments are considered in accordance with the public  
7 participation program established by the county or city under this  
8 subsection (2)(a) and all persons who have requested notice of a  
9 comprehensive plan update are given notice of the amendments and an  
10 opportunity to comment.

11 (b) Except as otherwise provided in (a) of this subsection, all  
12 proposals shall be considered by the governing body concurrently so  
13 the 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  
17 appeal of a comprehensive plan filed with the growth management  
18 hearings board 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  
24 with this review by the county, each city located within an urban  
25 growth area shall review the densities permitted within its  
26 boundaries, and the extent to which the urban growth occurring within  
27 the county has located within each city and the unincorporated  
28 portions of the urban 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  
34 period. The review required by this subsection may be combined with  
35 the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

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

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

24 (b) On or before June 30, 2016, and every eight years thereafter,  
25 for Clallam, Clark, Island, Jefferson, (~~(Kitsap)~~) Mason, San Juan,  
26 Skagit, Thurston, and Whatcom counties and the cities within those  
27 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;  
31 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  
39 the deadlines established in subsections (4) and (5) of this section.  
40 Counties and cities may begin this process early and may be eligible

1 for grants from the department, subject to available funding, if they  
2 elect to do so.

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

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

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

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

34 (f) A city that is subject to a deadline established in  
35 subsection (5)(b) through (d) of this section and meets the following  
36 criteria may comply with the requirements of this section at any time  
37 within the twenty-four months following the deadline established in  
38 subsection (5) of this section: The city has a population of no more  
39 than five thousand and has had its population increase by the greater  
40 of either no more than one hundred persons or no more than seventeen

1 percent in the ten years preceding the deadline established in  
2 subsection (5) of this section as of that date.

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

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

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

12 (ii) Demonstrating substantial progress towards compliance with  
13 the schedules in this section for development regulations that  
14 protect critical areas; or

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

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

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

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

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

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

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

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

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

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

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