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SENATE BILL 6186

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State of Washington

65th Legislature

2018 Regular Session

By Senators Palumbo and Zeiger

1 AN ACT Relating to reforming the growth management act to provide  
2 infrastructure for unplanned growth in counties; amending RCW  
3 36.70A.130; and adding a new section to chapter 36.70A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
6 RCW to read as follows:

7 (1)(a) A county planning under RCW 36.70A.040 must produce an  
8 annual growth monitoring report within two months of the close of its  
9 fiscal year. The report must include, but not be limited to, the  
10 following data for each planning county:

- 11 (i) Population growth trends;
- 12 (ii) Employment growth trends;
- 13 (iii) Annexation trends; and
- 14 (iv) Residential development trends.

15 (b) At least one public hearing must be held on the results of  
16 the annual growth monitoring report.

17 (2)(a) If, in the fourth year following either the adoption of a  
18 comprehensive plan under RCW 36.70A.040 or the review and evaluation  
19 of a comprehensive plan required under RCW 36.70A.130, the annual  
20 growth monitoring report finds that the population of any subarea is  
21 at sixty-five percent or more of its planned growth for the planning

1 period as set forth in the comprehensive plan of the planning county,  
2 with the unplanned fifteen percent or more equal to at least one  
3 thousand people, the legislative authority of the planning county  
4 must amend its county budget and the housing element, the capital  
5 facilities plan element, and the transportation element of its  
6 comprehensive plan; any regional transportation planning organization  
7 as referred to in chapter 47.80 RCW that serves the subarea must  
8 amend its regional transportation plan and budget; and any transit  
9 authority as defined in RCW 9.91.025 that serves the subarea must  
10 amend its service plan to accommodate the unplanned growth. At least  
11 one public hearing must be held on any proposed amendments under this  
12 subsection.

13 (b) Amendments to a comprehensive plan under this subsection may  
14 be considered immediately.

15 **Sec. 2.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to  
16 read as follows:

17 (1)(a) Each comprehensive land use plan and development  
18 regulations shall be subject to continuing review and evaluation by  
19 the county or city that adopted them. Except as otherwise provided, a  
20 county or city shall take legislative action to review and, if  
21 needed, revise its comprehensive land use plan and development  
22 regulations to ensure the plan and regulations comply with the  
23 requirements of this chapter according to the deadlines in  
24 subsections (4) and (5) of this section.

25 (b) Except as otherwise provided, a county or city not planning  
26 under RCW 36.70A.040 shall take action to review and, if needed,  
27 revise its policies and development regulations regarding critical  
28 areas and natural resource lands adopted according to this chapter to  
29 ensure these policies and regulations comply with the requirements of  
30 this chapter according to the deadlines in subsections (4) and (5) of  
31 this section. Legislative action means the adoption of a resolution  
32 or ordinance following notice and a public hearing indicating at a  
33 minimum, a finding that a review and evaluation has occurred and  
34 identifying the revisions made, or that a revision was not needed and  
35 the reasons therefor.

36 (c) The review and evaluation required by this subsection shall  
37 include, but is not limited to, consideration of critical area  
38 ordinances and, if planning under RCW 36.70A.040, an analysis of the

1 population allocated to a city or county from the most recent ten-  
2 year population forecast by the office of financial management.

3 (d) Any amendment of or revision to a comprehensive land use plan  
4 shall conform to this chapter. Any amendment of or revision to  
5 development regulations shall be consistent with and implement the  
6 comprehensive plan.

7 (2)(a) Each county and city shall establish and broadly  
8 disseminate to the public a public participation program consistent  
9 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
10 schedules whereby updates, proposed amendments, or revisions of the  
11 comprehensive plan are considered by the governing body of the county  
12 or city no more frequently than once every year, except that, until  
13 December 31, 2015, the program shall provide for consideration of  
14 amendments of an urban growth area in accordance with RCW 36.70A.1301  
15 once every year. "Updates" means to review and revise, if needed,  
16 according to subsection (1) of this section, and the deadlines in  
17 subsections (4) and (5) of this section or in accordance with the  
18 provisions of subsection (6) of this section. Amendments may be  
19 considered more frequently than once per year under the following  
20 circumstances:

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

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

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

33 (iv) 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; (~~(e)~~)

36 (v) The adoption of comprehensive plan amendments necessary to  
37 enact a planned action under RCW (~~(43.21C.031(2))~~) 43.21C.440,  
38 provided that amendments are considered in accordance with the public  
39 participation program established by the county or city under this  
40 subsection (2)(a) and all persons who have requested notice of a

1 comprehensive plan update are given notice of the amendments and an  
2 opportunity to comment; or

3 (vi) The amendment of a comprehensive plan that occurs following  
4 the production of an annual growth monitoring report under the  
5 requirements set forth in section 1 of this act.

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

14 (3)(a) Each county that designates urban growth areas under RCW  
15 36.70A.110 shall review, according to the schedules established in  
16 subsection (5) of this section, its designated urban growth area or  
17 areas, and the densities permitted within both the incorporated and  
18 unincorporated portions of each urban growth area. In conjunction  
19 with this review by the county, each city located within an urban  
20 growth area shall review the densities permitted within its  
21 boundaries, and the extent to which the urban growth occurring within  
22 the county has located within each city and the unincorporated  
23 portions of the urban growth areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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