

ESSB 5593 - H COMM AMD  
By Committee on Local Government

NOT ADOPTED 03/03/2022

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026  
4 are each reenacted and amended to read as follows:

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

13 (b) Except as otherwise provided, a county or city not planning  
14 under RCW 36.70A.040 shall take action to review and, if needed,  
15 revise its policies and development regulations regarding critical  
16 areas and natural resource lands adopted according to this chapter to  
17 ensure these policies and regulations comply with the requirements of  
18 this chapter according to the deadlines in subsections (4) and (5) of  
19 this section. Legislative action means the adoption of a resolution  
20 or ordinance following notice and a public hearing indicating at a  
21 minimum, a finding that a review and evaluation has occurred and  
22 identifying the revisions made, or that a revision was not needed and  
23 the reasons therefor.

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

29 (d) Any amendment of or revision to a comprehensive land use plan  
30 shall conform to this chapter. Any amendment of or revision to  
31 development regulations shall be consistent with and implement the  
32 comprehensive plan.

1 (2) (a) Each county and city shall establish and broadly  
2 disseminate to the public a public participation program consistent  
3 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
4 schedules whereby updates, proposed amendments, or revisions of the  
5 comprehensive plan are considered by the governing body of the county  
6 or city no more frequently than once every year. "Updates" means to  
7 review and revise, if needed, according to subsection (1) of this  
8 section, and the deadlines in subsections (4) and (5) of this section  
9 or in accordance with the provisions of subsection (6) of this  
10 section. Amendments may be considered more frequently than once per  
11 year under the following circumstances:

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

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

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

24 (iv) The amendment of the capital facilities element of a  
25 comprehensive plan that occurs concurrently with the adoption or  
26 amendment of a county or city budget; or

27 (v) The adoption of comprehensive plan amendments necessary to  
28 enact a planned action under RCW 43.21C.440, provided that amendments  
29 are considered in accordance with the public participation program  
30 established by the county or city under this subsection (2) (a) and  
31 all persons who have requested notice of a comprehensive plan update  
32 are given notice of the amendments and an opportunity to comment.

33 (b) Except as otherwise provided in (a) of this subsection, all  
34 proposals shall be considered by the governing body concurrently so  
35 the cumulative effect of the various proposals can be ascertained.  
36 However, after appropriate public participation a county or city may  
37 adopt amendments or revisions to its comprehensive plan that conform  
38 with this chapter whenever an emergency exists or to resolve an  
39 appeal of a comprehensive plan filed with the growth management  
40 hearings board or with the court.

1 (3) (a) Each county that designates urban growth areas under RCW  
2 36.70A.110 shall review, according to the schedules established in  
3 subsections (4) and (5) of this section, its designated urban growth  
4 area or areas, patterns of development occurring within the urban  
5 growth area or areas, and the densities permitted within both the  
6 incorporated and unincorporated portions of each urban growth area.  
7 In conjunction with this review by the county, each city located  
8 within an urban growth area shall review the densities permitted  
9 within its boundaries, and the extent to which the urban growth  
10 occurring within the county has located within each city and the  
11 unincorporated portions of the urban growth areas.

12 (b) The county comprehensive plan designating urban growth areas,  
13 and the densities permitted in the urban growth areas by the  
14 comprehensive plans of the county and each city located within the  
15 urban growth areas, shall be revised to accommodate the urban growth  
16 projected to occur in the county for the succeeding twenty-year  
17 period. The review required by this subsection may be combined with  
18 the review and evaluation required by RCW 36.70A.215.

19 (c) If, during the county's review under (a) of this subsection,  
20 the county determines revision of the urban growth area is not  
21 required to accommodate the urban growth projected to occur in the  
22 county for the succeeding 20-year period, but does determine that  
23 patterns of development have created pressure in areas that exceed  
24 available, developable lands within the urban growth area, the urban  
25 growth area or areas may be revised to accommodate identified  
26 patterns of development and likely future development pressure for  
27 the succeeding 20-year period. The department shall provide by rule  
28 how such patterns of development may be determined, and may adopt any  
29 other rules necessary to effectuate this subsection (3)(c). Any  
30 revisions to an urban growth area must be made in accordance with  
31 countywide planning policies adopted pursuant to RCW 36.70A.210, and  
32 may only be made if the following requirements are met:

33 (i) The revised urban growth area may not result in an increase  
34 in the total surface areas of the urban growth area or areas;

35 (ii) The areas added to the urban growth area are not or have not  
36 been designated as agricultural, forest, or mineral resource lands of  
37 long-term commercial significance;

38 (iii) Less than 15 percent of the areas added to the urban growth  
39 area are critical areas;

1 (iv) The areas added to the urban growth areas are suitable for  
2 urban growth;

3 (v) The transportation element and capital facility plan element  
4 have identified the transportation facilities, and public facilities  
5 and services needed to serve the urban growth area and the funding to  
6 provide the transportation facilities and public facilities and  
7 services;

8 (vi) The urban growth area is not larger than needed to  
9 accommodate the growth planned for the succeeding 20-year planning  
10 period and a reasonable land market supply factor;

11 (vii) The areas removed from the urban growth area do not include  
12 urban growth or urban densities;

13 (viii) The revised urban growth area is contiguous, does not  
14 include holes or gaps, and will not increase pressures to urbanize  
15 rural or natural resource lands; and

16 (ix) Any cities within the urban growth area that is to be  
17 revised must have taken actions to increase the buildable residential  
18 land within the existing urban growth area boundary, including  
19 authorizing the development of, at a minimum, accessory dwelling  
20 units throughout the residential areas of the urban growth area, and  
21 of duplexes, cottage apartments, townhouses, or row houses in at  
22 least one designated residential area within the urban growth area.

23 (4) Except as otherwise provided in subsections (6) and (8) of  
24 this section, counties and cities shall take action to review and, if  
25 needed, revise their comprehensive plans and development regulations  
26 to ensure the plan and regulations comply with the requirements of  
27 this chapter as follows:

28 (a) On or before June 30, 2015, for King, Pierce, and Snohomish  
29 counties and the cities within those counties;

30 (b) On or before June 30, 2016, for Clallam, Clark, Island,  
31 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom  
32 counties and the cities within those counties;

33 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,  
34 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and  
35 the cities within those counties; and

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

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

8 (a) On or before June 30, 2024, and every eight years thereafter,  
9 for King, Kitsap, Pierce, and Snohomish counties and the cities  
10 within those counties;

11 (b) On or before June 30, 2025, and every eight years thereafter,  
12 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan,  
13 Skagit, Thurston, and Whatcom counties and the cities within those  
14 counties;

15 (c) On or before June 30, 2026, and every eight years thereafter,  
16 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania,  
17 Spokane, Walla Walla, and Yakima counties and the cities within those  
18 counties; and

19 (d) On or before June 30, 2027, and every eight years thereafter,  
20 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor,  
21 Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,  
22 Wahkiakum, and Whitman counties and the cities within those counties.

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

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

38 (c) A city that is subject to a deadline established in  
39 subsection (5) (~~((a) (ii) through (iv) [(b) through (d)]~~) (b) through  
40 (d) of this section and meets the following criteria may comply with

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

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

11 (7) (a) The requirements imposed on counties and cities under this  
12 section shall be considered "requirements of this chapter" under the  
13 terms of RCW 36.70A.040(1). Only those counties and cities that meet  
14 the following criteria may receive grants, loans, pledges, or  
15 financial guarantees under chapter 43.155 or 70A.135 RCW:

16 (i) Complying with the deadlines in this section; or

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

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

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

32 (b) A county that has made the election under RCW 36.70A.710(1)  
33 may only adopt or amend development regulations to protect critical  
34 areas 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  
37 accordance with RCW 36.70A.725;

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

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

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

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

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

17 Correct the title.

EFFECT: Strikes the underlying bill and makes the following changes:

(1) Requires the Department of Commerce to provide by rule how the patterns of development that have created pressure in areas that exceed the buildable lands within the urban growth area are to be determined.

(2) Requires any revisions to the urban growth area to be made in accordance with countywide planning policies.

(3) Requires that cities within an urban growth area must take action to increase buildable residential land within the existing boundary prior to revising the urban growth area, including authorizing the development of accessory dwelling units throughout the residential areas of the urban growth area, and authorizing duplexes, cottage apartments, townhouses, or row houses in at least one designated residential area.

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