
HOUSE BILL 2006

State of Washington

61st Legislature

2009 Regular Session

By Representatives Simpson and Chase

Read first time 02/05/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to granting counties and cities two additional
2 years to comply with review and revision requirements of the growth
3 management act; and amending RCW 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.130 and 2006 c 285 s 2 are each amended to read
6 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 time periods specified in subsection (4) of this
14 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 time periods specified in subsection (4) of
2 this 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 may be
8 combined with the review required by subsection (3) of this section.
9 The review and evaluation required by this subsection shall include,
10 but is not limited to, consideration of critical area ordinances and,
11 if planning under RCW 36.70A.040, an analysis of the population
12 allocated to a city or county from the most recent ten-year population
13 forecast by the office of financial management.

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

18 (2)(a) Each county and city shall establish and broadly disseminate
19 to the public a public participation program consistent with RCW
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules
21 whereby updates, proposed amendments, or revisions of the comprehensive
22 plan are considered by the governing body of the county or city no more
23 frequently than once every year. "Updates" means to review and revise,
24 if needed, according to subsection (1) of this section, and the time
25 periods specified in subsection (4) of this section or in accordance
26 with the provisions of subsections (5) ~~((and))~~, (8), and (9) of this
27 section. Amendments may be considered more frequently than once per
28 year under the following circumstances:

29 (i) The initial adoption of a subarea plan that does not modify the
30 comprehensive plan policies and designations applicable to the subarea;

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

33 (iii) 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; and

36 (iv) ~~((Until June 30, 2006, the designation of recreational lands
37 under RCW 36.70A.1701. A county amending its comprehensive plan~~

1 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~
2 ~~than every eighteen months; and~~

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.

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

18 (3)(a) Each county that designates urban growth areas under RCW
19 36.70A.110 shall review, at least every ten years, its designated urban
20 growth area or areas, and the densities permitted within both the
21 incorporated and unincorporated portions of each urban growth area. In
22 conjunction with this review by the county, each city located within an
23 urban growth area shall review the densities permitted within its
24 boundaries, and the extent to which the urban growth occurring within
25 the county has located within each city and the unincorporated portions
26 of the urban growth areas.

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

34 (4) The department shall establish a schedule for counties and
35 cities to take action to review and, if needed, revise their
36 comprehensive plans and development regulations to ensure the plan and
37 regulations comply with the requirements of this chapter. Except as

1 provided in subsections (5) (~~and~~), (8), and (9) of this section, the
2 schedule established by the department shall provide for the reviews
3 and evaluations to be completed as follows:

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

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

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

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

19 (5)(a) Nothing in this section precludes a county or city from
20 conducting the review and evaluation required by this section before
21 the time limits established in subsection (4) of this section.
22 Counties and cities may begin this process early and may be eligible
23 for grants from the department, subject to available funding, if they
24 elect to do so.

25 (b) A county that is subject to a schedule established by the
26 department under subsection (4)(b) through (d) of this section and
27 meets the following criteria may comply with the requirements of this
28 section at any time within the thirty-six months following the date
29 established in the applicable schedule: The county has a population of
30 less than fifty thousand and has had its population increase by no more
31 than seventeen percent in the ten years preceding the date established
32 in the applicable schedule as of that date.

33 (c) A city that is subject to a schedule established by the
34 department under subsection (4)(b) through (d) of this section and
35 meets the following criteria may comply with the requirements of this
36 section at any time within the thirty-six months following the date
37 established in the applicable schedule: The city has a population of
38 no more than five thousand and has had its population increase by the

1 greater of either no more than one hundred persons or no more than
2 seventeen percent in the ten years preceding the date established in
3 the applicable schedule as of that date.

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

7 (6) A county or city subject to the time periods in subsection
8 (4)(a) of this section that, pursuant to an ordinance adopted by the
9 county or city establishing a schedule for periodic review of its
10 comprehensive plan and development regulations, has conducted a review
11 and evaluation of its comprehensive plan and development regulations
12 and, on or after January 1, 2001, has taken action in response to that
13 review and evaluation shall be deemed to have conducted the first
14 review required by subsection (4)(a) of this section. Subsequent
15 review and evaluation by the county or city of its comprehensive plan
16 and development regulations shall be conducted in accordance with the
17 time periods established under subsection (4)(a) of this section.

18 (7) The requirements imposed on counties and cities under this
19 section shall be considered "requirements of this chapter" under the
20 terms of RCW 36.70A.040(1). Only those counties and cities: (a)
21 Complying with the schedules in this section; (b) demonstrating
22 substantial progress towards compliance with the schedules in this
23 section for development regulations that protect critical areas; or (c)
24 complying with the extension provisions of subsection (5)(b) or (c) or
25 (9) of this section may receive grants, loans, pledges, or financial
26 guarantees from those accounts established in RCW 43.155.050 and
27 70.146.030. A county or city that is fewer than twelve months out of
28 compliance with the schedules in this section for development
29 regulations that protect critical areas is making substantial progress
30 towards compliance. Only those counties and cities in compliance with
31 the schedules in this section may receive preference for grants or
32 loans subject to the provisions of RCW 43.17.250.

33 (8) Except as provided in subsection (5)(b) and (c) of this
34 section:

35 (a) Counties and cities required to satisfy the requirements of
36 this section according to the schedule established by subsection (4)(b)
37 through (d) of this section may comply with the requirements of this

1 section for development regulations that protect critical areas one
2 year after the dates established in subsection (4)(b) through (d) of
3 this section;

4 (b) Counties and cities complying with the requirements of this
5 section one year after the dates established in subsection (4)(b)
6 through (d) of this section for development regulations that protect
7 critical areas shall be deemed in compliance with the requirements of
8 this section; and

9 (c) This subsection (8) applies only to the counties and cities
10 specified in subsection (4)(b) through (d) of this section, and only to
11 the requirements of this section for development regulations that
12 protect critical areas that must be satisfied by December 1, 2005,
13 December 1, 2006, and December 1, 2007.

14 (9) Until June 30, 2012, counties and cities required to comply
15 with this section according to the schedule established in subsection
16 (4) of this section may do so at any time within two years after the
17 date established in the applicable schedule in subsection (4) of this
18 section. Counties and cities that exercise this two-year deferral
19 option and comply with this section within two years after the date
20 established in the applicable schedule in subsection (4) of this
21 section are in compliance with the requirements of this section.

22 (10) Notwithstanding subsection (8) of this section and the
23 substantial progress provisions of subsections (7) and (~~(10)~~) (11) of
24 this section, only those counties and cities complying with the
25 schedule in subsection (4) of this section, or the extension provisions
26 of subsection (5)(b) or (c) or (9) of this section, may receive
27 preferences for grants, loans, pledges, or financial guarantees from
28 those accounts established in RCW 43.155.050 and 70.146.030.

29 (~~(10)~~) (11) Until December 1, 2005, and notwithstanding
30 subsection (7) of this section, a county or city subject to the time
31 periods in subsection (4)(a) of this section demonstrating substantial
32 progress towards compliance with the schedules in this section for its
33 comprehensive land use plan and development regulations may receive
34 grants, loans, pledges, or financial guarantees from those accounts
35 established in RCW 43.155.050 and 70.146.030. A county or city that is
36 fewer than twelve months out of compliance with the schedules in this

1 section for its comprehensive land use plan and development regulations
2 is deemed to be making substantial progress towards compliance.

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