

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6611

61st Legislature
2010 Regular Session

Passed by the Senate March 11, 2010
YEAS 45 NAYS 0

President of the Senate

Passed by the House March 2, 2010
YEAS 94 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6611** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6611

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker, and Shin; by request of Washington State Department of Commerce and Department of Ecology)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to extending the deadlines for the review and
2 evaluation of comprehensive land use plan and development regulations
3 for three years and addressing the timing for adopting certain subarea
4 plans; 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 2009 c 479 s 23 are each amended to
7 read as follows:

8 (1)(a) Each comprehensive land use plan and development regulations
9 shall be subject to continuing review and evaluation by the county or
10 city that adopted them. Except as otherwise provided, a county or city
11 shall take legislative action to review and, if needed, revise its
12 comprehensive land use plan and development regulations to ensure the
13 plan and regulations comply with the requirements of this chapter
14 according to the (~~time periods specified~~) deadlines in subsections
15 (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, revise
18 its policies and development regulations regarding critical areas and
19 natural resource lands adopted according to this chapter to ensure

1 these policies and regulations comply with the requirements of this
2 chapter according to the ~~((time periods specified))~~ deadlines in
3 subsections (4) and (5) of this section. Legislative action means the
4 adoption of a resolution or ordinance following notice and a public
5 hearing indicating at a minimum, a finding that a review and evaluation
6 has occurred and identifying the revisions made, or that a revision was
7 not needed and the reasons therefor.

8 (c) The review and evaluation required by this subsection may be
9 combined with the review required by subsection (3) of this section.
10 The review and evaluation required by this subsection shall include,
11 but is not limited to, consideration of critical area ordinances and,
12 if planning under RCW 36.70A.040, an analysis of the population
13 allocated to a city or county from the most recent ten-year population
14 forecast by the office of financial management.

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

19 (2)(a) Each county and city shall establish and broadly disseminate
20 to the public a public participation program consistent with RCW
21 36.70A.035 and 36.70A.140 that identifies procedures and schedules
22 whereby updates, proposed amendments, or revisions of the comprehensive
23 plan are considered by the governing body of the county or city no more
24 frequently than once every year. "Updates" means to review and revise,
25 if needed, according to subsection (1) of this section, and the ~~((time~~
26 ~~periods specified))~~ deadlines in subsections (4) and (5) of this
27 section or in accordance with the provisions of subsection ~~((s (5) and~~
28 ~~(8))~~ (6) of this section. Amendments may be considered more
29 frequently than once per year under the following circumstances:

30 (i) The initial adoption of a subarea plan ~~((that does not modify~~
31 ~~the comprehensive plan policies and designations applicable to the~~
32 ~~subarea))~~. Subarea plans adopted under this subsection (2)(a)(i) must
33 clarify, supplement, or implement jurisdiction-wide comprehensive plan
34 policies, and may only be adopted if the cumulative impacts of the
35 proposed plan are addressed by appropriate environmental review under
36 chapter 43.21C RCW;

37 (ii) The development of an initial subarea plan for economic

1 development located outside of the one hundred year floodplain in a
2 county that has completed a state-funded pilot project that is based on
3 watershed characterization and local habitat assessment;

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

6 ~~((iii))~~ (iv) The amendment of the capital facilities element of
7 a comprehensive plan that occurs concurrently with the adoption or
8 amendment of a county or city budget; or

9 ~~((iv) Until June 30, 2006, the designation of recreational lands~~
10 ~~under RCW 36.70A.1701. A county amending its comprehensive plan~~
11 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~
12 ~~than every eighteen months; and))~~

13 (v) The adoption of comprehensive plan amendments necessary to
14 enact a planned action under RCW 43.21C.031(2), provided that
15 amendments are considered in accordance with the public participation
16 program established by the county or city under this subsection (2)(a)
17 and all persons who have requested notice of a comprehensive plan
18 update are given notice of the amendments and an opportunity to
19 comment.

20 (b) Except as otherwise provided in (a) of this subsection, all
21 proposals shall be considered by the governing body concurrently so the
22 cumulative effect of the various proposals can be ascertained.
23 However, after appropriate public participation a county or city may
24 adopt amendments or revisions to its comprehensive plan that conform
25 with this chapter whenever an emergency exists or to resolve an appeal
26 of a comprehensive plan filed with a growth management hearings board
27 or with the court.

28 (3)(a) Each county that designates urban growth areas under RCW
29 36.70A.110 shall review, at least every ten years, its designated urban
30 growth area or areas, and the densities permitted within both the
31 incorporated and unincorporated portions of each urban growth area. In
32 conjunction with this review by the county, each city located within an
33 urban growth area shall review the densities permitted within its
34 boundaries, and the extent to which the urban growth occurring within
35 the county has located within each city and the unincorporated portions
36 of the urban growth areas.

37 (b) The county comprehensive plan designating urban growth areas,
38 and the densities permitted in the urban growth areas by the

1 comprehensive plans of the county and each city located within the
2 urban growth areas, shall be revised to accommodate the urban growth
3 projected to occur in the county for the succeeding twenty-year period.
4 The review required by this subsection may be combined with the review
5 and evaluation required by RCW 36.70A.215.

6 (4) ~~((The department shall establish a schedule for))~~ Except as
7 provided in subsection (6) of this section, counties and cities ~~((to))~~
8 shall take action to review and, if needed, revise their comprehensive
9 plans and development regulations to ensure the plan and regulations
10 comply with the requirements of this chapter ~~((Except as provided in~~
11 ~~subsections (5) and (8) of this section, the schedule established by~~
12 ~~the department shall provide for the reviews and evaluations to be~~
13 ~~completed))~~ as follows:

14 (a) On or before December 1, 2004, ~~((and every seven years~~
15 ~~thereafter,))~~ for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
16 Snohomish, Thurston, and Whatcom counties and the cities within those
17 counties;

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

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

24 (d) On or before December 1, 2007, ~~((and every seven years~~
25 ~~thereafter,))~~ for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
26 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
27 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
28 within those counties.

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

35 (a) On or before December 1, 2014, and every seven years
36 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
37 Snohomish, Thurston, and Whatcom counties and the cities within those
38 counties;

1 (b) On or before December 1, 2015, and every seven years
2 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
3 Skamania counties and the cities within those counties;

4 (c) On or before December 1, 2016, and every seven years
5 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
6 Yakima counties and the cities within those counties; and

7 (d) On or before December 1, 2017, and every seven years
8 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
9 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
10 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
11 within those counties.

12 (6)(a) Nothing in this section precludes a county or city from
13 conducting the review and evaluation required by this section before
14 the ~~((time limits))~~ deadlines established in subsections (4) and (5) of
15 this section. Counties and cities may begin this process early and may
16 be eligible for grants from the department, subject to available
17 funding, if they elect to do so.

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

28 (c) A city that is subject to ~~((a schedule established by the~~
29 ~~department under))~~ a deadline established in subsection (4)(b) through
30 (d) of this section and meets the following criteria may comply with
31 the requirements of this section at any time within the thirty-six
32 months following the ~~((date))~~ deadline established in ~~((the applicable~~
33 ~~schedule))~~ subsection (4) of this section: The city has a population
34 of no more than five thousand and has had its population increase by
35 the greater of either no more than one hundred persons or no more than
36 seventeen percent in the ten years preceding the ~~((date))~~ deadline
37 established in ~~((the applicable schedule))~~ subsection (4) of this
38 section as of that date.

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

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

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

26 ~~((a))~~ (i) Complying with the ~~((schedules))~~ deadlines in this
27 section;

28 ~~((b))~~ (ii) Demonstrating substantial progress towards compliance
29 with the schedules in this section for development regulations that
30 protect critical areas; or

31 ~~((c))~~ (iii) Complying with the extension provisions of subsection
32 ~~((5))~~ (6)(b) ~~((or))~~ (c), or (d) of this section ~~((may receive~~
33 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~
34 ~~70.146 RCW)).~~

35 (b) A county or city that is fewer than twelve months out of
36 compliance with the schedules in this section for development
37 regulations that protect critical areas is making substantial progress

1 towards compliance. Only those counties and cities in compliance with
2 the schedules in this section may receive preference for grants or
3 loans subject to the provisions of RCW 43.17.250.

4 ~~((8) Except as provided in subsection (5)(b) and (c) of this~~
5 ~~section;~~

6 ~~(a) Counties and cities required to satisfy the requirements of~~
7 ~~this section according to the schedule established by subsection (4)(b)~~
8 ~~through (d) of this section may comply with the requirements of this~~
9 ~~section for development regulations that protect critical areas one~~
10 ~~year after the dates established in subsection (4)(b) through (d) of~~
11 ~~this section;~~

12 ~~(b) Counties and cities complying with the requirements of this~~
13 ~~section one year after the dates established in subsection (4)(b)~~
14 ~~through (d) of this section for development regulations that protect~~
15 ~~critical areas shall be deemed in compliance with the requirements of~~
16 ~~this section; and~~

17 ~~(c) This subsection (8) applies only to the counties and cities~~
18 ~~specified in subsection (4)(b) through (d) of this section, and only to~~
19 ~~the requirements of this section for development regulations that~~
20 ~~protect critical areas that must be satisfied by December 1, 2005,~~
21 ~~December 1, 2006, and December 1, 2007.~~

22 ~~(9) Notwithstanding subsection (8) of this section and the~~
23 ~~substantial progress provisions of subsections (7) and (10) of this~~
24 ~~section, only those counties and cities complying with the schedule in~~
25 ~~subsection (4) of this section, or the extension provisions of~~
26 ~~subsection (5)(b) or (c) of this section, may receive preferences for~~
27 ~~grants, loans, pledges, or financial guarantees under chapter 43.155 or~~
28 ~~70.146 RCW.~~

29 ~~(10) Until December 1, 2005, and notwithstanding subsection (7) of~~
30 ~~this section, a county or city subject to the time periods in~~
31 ~~subsection (4)(a) of this section demonstrating substantial progress~~
32 ~~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 under chapter 43.155 or~~
35 ~~70.146 RCW. A county or city that is fewer than twelve months out of~~
36 ~~compliance with the schedules in this section for its comprehensive~~

1 ~~land use plan and development regulations is deemed to be making~~
2 ~~substantial progress towards compliance.))~~

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