
SENATE BILL 5685

State of Washington

67th Legislature

2022 Regular Session

By Senators Fortunato and Padden

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1 AN ACT Relating to urban growth area boundaries; reenacting and
2 amending RCW 36.70A.130; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Between 2010 and 2015, it is estimated
5 that Washington state fell behind on housing production by
6 approximately 225,000 units. The situation has not improved since. As
7 a result, rents are spiraling out of control across the state.
8 Simultaneously, the cost of building has been skyrocketing. It is
9 also estimated that every \$1,000 increase in building new homes
10 prices 2,500 people out of the market. According to the United States
11 department of housing and urban development, Washington state
12 experienced a 6.2 percent increase in homelessness between 2019 and
13 2020. Thirty out of every 10,000 people in the state were considered
14 homeless. The legislature finds that it is compelling to resolve this
15 situation and house its citizens. One of the most significant costs
16 in building new homes is the cost of land. It is well accepted that a
17 lack of supply increases demand and increases costs. Land use
18 planning policies over the last 30 years have led to a shortage of
19 land supply because of fixed boundaries and an inflexible land supply
20 in urban growth areas. By removing any flexibility in supplying land,
21 these land use policies have significantly contributed to a decrease

1 in land supply and thereby an increase in housing costs. The
2 legislature finds that, in order to increase housing supply and lower
3 housing costs, it is important to restore flexibility to local
4 jurisdictions' ability to manage the availability of land within the
5 urban growth area.

6 **Sec. 2.** RCW 36.70A.130 and 2020 c 113 s 1 and 2020 c 20 s 1026
7 are each reenacted and amended to 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
22 this section. Legislative action means the adoption of a resolution
23 or ordinance following notice and a public hearing indicating at a
24 minimum, a finding that a review and evaluation has occurred and
25 identifying the revisions made, or that a revision was not needed and
26 the reasons therefor.

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

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

36 (2)(a) Each county and city shall establish and broadly
37 disseminate to the public a public participation program consistent
38 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
39 schedules whereby updates, proposed amendments, or revisions of the

1 comprehensive plan are considered by the governing body of the county
2 or city no more frequently than once every year. "Updates" means to
3 review and revise, if needed, according to subsection (1) of this
4 section, and the deadlines in subsections (4) and (5) of this section
5 or in accordance with the provisions of subsection (6) of this
6 section. Amendments may be considered more frequently than once per
7 year under the following circumstances:

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

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

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

20 (iv) The amendment of the capital facilities element of a
21 comprehensive plan that occurs concurrently with the adoption or
22 amendment of a county or city budget; or

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

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

37 (3)(a) Each county that designates urban growth areas under RCW
38 36.70A.110 shall review, according to the schedules established in
39 subsections (4) and (5) of this section, its designated urban growth
40 area or areas, and the densities permitted within both the

1 incorporated and unincorporated portions of each urban growth area.
2 In conjunction with this review by the county, each city located
3 within an urban growth area shall review the densities permitted
4 within its boundaries, and the extent to which the urban growth
5 occurring within the county has located within each city and the
6 unincorporated portions of the urban growth areas.

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

14 (c) Within three years from July 1, 2022, counties must evaluate
15 the location of the urban growth area boundary and must expand and
16 adjust the urban growth area to be large enough to contain sufficient
17 land suitable for building housing sufficient to alleviate any
18 housing shortage within that county. The county may continue to
19 expand the urban growth area every three years until the urban growth
20 area is appropriately sized to accommodate adequate amounts of
21 necessary housing.

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

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

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

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

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

39 (5) Except as otherwise provided in subsections (6) and (8) of
40 this section, following the review of comprehensive plans and

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

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

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

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

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

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

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

36 (c) A city that is subject to a deadline established in
37 subsection (5) (~~((a) (ii) through (iv) [(b) through (d)]~~)) (b) through
38 (d) of this section and meets the following criteria may comply with
39 the requirements of this section at any time within the twenty-four
40 months following the deadline established in subsection (5) of this

1 section: The city has a population of no more than five thousand and
2 has had its population increase by the greater of either no more than
3 one hundred persons or no more than seventeen percent in the ten
4 years preceding the deadline established in subsection (5) of this
5 section as of that date.

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

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

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

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

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

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

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

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

36 (ii) The local watershed group for that watershed has requested
37 the county to adopt or amend development regulations as part of a
38 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.

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